

In the Matter of:

WILLIAM ALLEN MEANS

VS

E.M. PETERSON

WILLIAM MEANS

March 29, 2021



5010 Dempsey Drive
Cross Lanes WV 25313
304-415-1122

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

WILLIAM ALLEN MEANS,

Plaintiff,

vs.

Civil Action No. 2:20-561

E.M. PETERSON, D. HARVEY,
and THE CITY OF SOUTH
CHARLESTON,

Defendants.

DEPOSITION OF WILLIAM ALLEN MEANS

The deposition of William Allen Means
was taken on March 29, 2021, at 10:11 a.m.,
at 500 Randolph Street, Charleston, West Virginia.

ELITE COURT REPORTING, LLC
5010 Dempsey Drive
Cross Lanes, West Virginia 25313
(304) 415-1122

Lisa Hall, CCR

<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S</p> <p>2 L. Dante' diTrapano</p> <p>Attorney at Law</p> <p>3 Calwell Luce diTrapano, PLLC</p> <p>500 Randolph Street</p> <p>4 Charleston, West Virginia 25302</p> <p>5</p> <p>W. Jesse Forbes</p> <p>6 Attorney at Law</p> <p>Forbes Law Firm, PLLC</p> <p>7 1118 Kanawha Boulevard, East</p> <p>Charleston, West Virginia 25301</p> <p>8</p> <p>Duane Ruggier, II</p> <p>9 Attorney at Law</p> <p>10 Pullin, Fowler, Flanagan, Brown & Poe, PLLC</p> <p>901 Quarrier Street</p> <p>11 Charleston, West Virginia 25301</p> <p>12</p> <p>Also present: D. Harvey</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p style="text-align: right;">Page 4</p> <p>1 WILLIAM ALLEN MEANS,</p> <p>2 called as a witness, first being duly</p> <p>3 sworn by the Court Reporter/Notary Public,</p> <p>4 testified as follows, to wit:</p> <p>5 EXAMINATION</p> <p>6 BY MR. RUGGIER:</p> <p>7 Q. Mr. Means, can you state your name for the</p> <p>8 record?</p> <p>9 A. William Means.</p> <p>10 Q. And do you mind if I call you Billy? You</p> <p>11 can call me Duane.</p> <p>12 A. Yeah. That's fine.</p> <p>13 Q. Billy, my name is Duane Ruggier. I'm an</p> <p>14 attorney that represents the City of South</p> <p>15 Charleston in a lawsuit that you filed arising out</p> <p>16 of an incident that happened on May 2nd of 2000</p> <p>17 (sic).</p> <p>18 A couple of things before we begin. If</p> <p>19 you don't understand my question, just let me know,</p> <p>20 and I'll be glad to repeat it. You have to</p> <p>21 verbalize everything that you've got to say so the</p> <p>22 court reporter can take down everything that we say</p> <p>23 in our conversation and later on produce a</p> <p>24 transcript of it. Do you understand that?</p>
<p style="text-align: right;">Page 3</p> <p>1 I N D E X</p> <p>2</p> <p>3 WITNESS</p> <p>4 William Allen Means</p> <p>5</p> <p>EXAMINATION</p> <p>6</p> <p>by Mr. Ruggier Page 04</p> <p>7</p> <p>8 EXHIBITS</p> <p>9 None</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 Reporter's Certification Page 113</p> <p>Errata Sheet/Signature Page Waived</p> <p>24</p>	<p style="text-align: right;">Page 5</p> <p>1 A. Yeah.</p> <p>2 Q. Whenever -- if you need to take a break at</p> <p>3 any time, let me know. I'm glad to do so. We'll</p> <p>4 take whatever steps you need to take.</p> <p>5 Are you okay with all that?</p> <p>6 A. Yeah.</p> <p>7 Q. Are you under the influence of any</p> <p>8 medication which would affect your truthfulness or</p> <p>9 ability to testify today?</p> <p>10 A. Huh-uh.</p> <p>11 Q. No?</p> <p>12 Do you know what meds you're on right now?</p> <p>13 A. There's a whole list of them.</p> <p>14 Q. Yeah? You've got a whole bunch of them?</p> <p>15 A. Yeah.</p> <p>16 Q. All right, Billy. Let's see. Your last</p> <p>17 name is Means. Are you related to anybody around</p> <p>18 here other than with the last name of Means?</p> <p>19 A. Not that I know of.</p> <p>20 Q. I'll remind you you're under oath, and</p> <p>21 you've got to tell the truth. Do you understand</p> <p>22 that?</p> <p>23 A. Yeah.</p> <p>24 Q. What's your date of birth?</p>

<p style="text-align: right;">Page 6</p> <p>1 A. 8/25/89.</p> <p>2 Q. And at the time of your arrest in this</p> <p>3 case, what was your height and weight?</p> <p>4 A. Five-eleven, one hundred and eighty.</p> <p>5 Q. Do you know what your height and weight is</p> <p>6 now? Your height is the same, but what about your</p> <p>7 weight?</p> <p>8 A. I ain't got a clue. Probably 165.</p> <p>9 Q. Where do you currently live?</p> <p>10 A. North Charleston.</p> <p>11 Q. What's the address?</p> <p>12 A. 2615 6th Avenue.</p> <p>13 Q. And who do you live with?</p> <p>14 A. My dad.</p> <p>15 Q. And what's your dad's name?</p> <p>16 A. Michael Means.</p> <p>17 Q. And how long have you lived there?</p> <p>18 A. Less than a month.</p> <p>19 Q. Has your dad lived there a long time at</p> <p>20 this residence?</p> <p>21 A. No. He just moved in there, too.</p> <p>22 Q. All right. Anybody else live there?</p> <p>23 A. His girlfriend.</p> <p>24 Q. What's her name?</p>	<p style="text-align: right;">Page 8</p> <p>1 license?</p> <p>2 A. No.</p> <p>3 Q. Have you ever had a driver's license?</p> <p>4 A. Yeah.</p> <p>5 Q. When did you last have a driver's license?</p> <p>6 A. It's -- I'm not sure really. 2009, 2010.</p> <p>7 Q. All right. Was it a West Virginia</p> <p>8 driver's license?</p> <p>9 A. Yeah.</p> <p>10 Q. Prior to living at the 2615 6th Avenue</p> <p>11 address, where did you reside?</p> <p>12 A. 821 1st Avenue South, Nitro.</p> <p>13 Q. And who did you live there with?</p> <p>14 A. My grandmother.</p> <p>15 Q. What's her name?</p> <p>16 A. Helen Lacy.</p> <p>17 Q. Could you repeat that?</p> <p>18 A. Helen Lacy.</p> <p>19 Q. Helen Lacy?</p> <p>20 A. Yeah.</p> <p>21 Q. Do you spell Lacy, L-A-C-Y?</p> <p>22 A. Yeah.</p> <p>23 Q. And how long did you live there with your</p> <p>24 grandma?</p>
<p style="text-align: right;">Page 7</p> <p>1 A. Renee Fuson.</p> <p>2 Q. Renee Fuson. Can you spell "Fuson"?</p> <p>3 A. F-U-S-O-N.</p> <p>4 Q. Is your dad employed?</p> <p>5 A. Yeah.</p> <p>6 Q. What does he do?</p> <p>7 A. He owns his own contracting company.</p> <p>8 Q. What's the name of it?</p> <p>9 A. Absolute Contracting.</p> <p>10 Q. Do you know your dad's phone number?</p> <p>11 A. 304-964-1431.</p> <p>12 Q. How long has your dad owned Absolute</p> <p>13 Contracting?</p> <p>14 A. I'm not sure really.</p> <p>15 Q. What do they do at Absolute Contracting?</p> <p>16 A. General contracting.</p> <p>17 Q. Does he build stuff?</p> <p>18 A. Yeah.</p> <p>19 Q. All right. Anything in particular?</p> <p>20 A. Not really.</p> <p>21 Q. All right. What is your Social Security</p> <p>22 number?</p> <p>23 A. 232-37-6895.</p> <p>24 Q. And what is -- did you have a driver's</p>	<p style="text-align: right;">Page 9</p> <p>1 A. A couple months.</p> <p>2 Q. What's that?</p> <p>3 A. A couple months.</p> <p>4 Q. A couple months.</p> <p>5 And then prior to the 821 1st Avenue South</p> <p>6 address, where did you live?</p> <p>7 A. 803 Sharon Drive.</p> <p>8 Q. 803 what?</p> <p>9 A. Sharon Drive.</p> <p>10 Q. Where is that located?</p> <p>11 A. South Ruffner, Charleston.</p> <p>12 Q. South Ruffner, Charleston?</p> <p>13 A. Yeah.</p> <p>14 Q. And who did you live there with?</p> <p>15 A. Myself.</p> <p>16 Q. And how long did you live there?</p> <p>17 A. It was a couple months.</p> <p>18 Q. When you lived with your grandma, did</p> <p>19 anybody else live there other than your grandma?</p> <p>20 A. My uncle.</p> <p>21 Q. What's his name?</p> <p>22 A. Bradley Means.</p> <p>23 Q. Repeat that.</p> <p>24 A. Bradley Means.</p>

<p style="text-align: right;">Page 10</p> <p>1 Q. Does he have a phone number? 2 A. No, not that I know of. 3 Q. Does your grandma have a phone number? 4 A. I don't know the number. 5 Q. Is your grandma employed? 6 A. No. 7 Q. Is Bradley employed? 8 A. Yeah. He takes care of her. He's her 9 caretaker. 10 Q. He what? 11 A. He takes care of her. 12 Q. Gets a paycheck from the government -- 13 A. Yeah. 14 Q. -- to take care of her? 15 All right. Prior to the 803 Sharon 16 address, where did you live? 17 A. With my boss over in Loudendale. I don't 18 remember his address. 19 Q. Your boss in Loudendale? 20 A. Yeah. 21 Q. What's his name? 22 A. Donnie Brown. 23 Q. And it was on Loudendale Road, is that 24 what it is?</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. Like from when to when? 2 A. I don't -- I'm not really sure on 3 specifics. I mean -- 4 Q. Do you know where we are as far as years? 5 Are we talking about 2015? Are we talking about -- 6 A. 2017, '18, something like that. 7 Q. 2017, '18. 8 Prior to becoming homeless, where did you 9 live? 10 A. My address was my grandma's. 11 Q. What's that? 12 A. 821 1st Avenue was my address. 13 Q. What was the address? 14 A. 821 1st Avenue, at my grandma's. 15 Q. You lived with your grandma before that. 16 How long did you live with your grandma on 17 the stint before you were homeless? 18 A. A while. A couple years. 19 Q. Before that, do you know where you lived? 20 A. I don't remember. 21 Q. You're not currently employed, right? 22 A. No. 23 Q. When was the last time you held a job? 24 A. Before the accident.</p>
<p style="text-align: right;">Page 11</p> <p>1 A. I guess. It's Loudendale, unincorporated, 2 I guess. 3 Q. What's the city? 4 A. Charleston. 5 Q. You called him your boss? 6 A. Yeah. I worked with him before the 7 accident. 8 Q. Where did you work with him? 9 A. Brown's Grave Digging Services. 10 Q. Brown's Grave Digging Services? 11 A. (Nodding head.) 12 Q. Is that business still in operation? 13 A. Yeah. As far as I know. 14 Q. Do you know Donnie Brown's phone number? 15 A. No, I don't. 16 Q. How long did you live with Donnie Brown? 17 A. Just a couple months. 18 Q. Prior to living with Donnie Brown, where 19 did you live? 20 A. I was homeless. 21 Q. You were homeless? 22 A. Yeah. 23 Q. And how long were you homeless? 24 A. A couple years.</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. At the time of the accident, were you 2 employed? 3 A. Yeah. 4 Well, kind of. I mean, he was just laying 5 people off. He got sick, and so he didn't have as 6 many jobs as usual. 7 Q. So at the time of the accident, the only 8 place where you occasionally would work would be -- 9 A. Donnie Brown's Grave Digging Services. 10 Q. And how often would you work for Donnie 11 Brown as a grave digger? 12 A. It just depended on when he got calls, you 13 know. It was maybe two, three days a week. 14 Q. It would be a couple days a week? 15 A. (Nodding head.) 16 Q. And how much would you get paid? 17 A. \$100 a day. 18 Q. What was the average that you would make 19 per week at the time of the accident? 20 A. Three- to \$500. 21 Q. What's that? 22 A. Anywhere from 3- to 500. 23 Q. How often would you make \$500? 24 A. When he got the call. I mean, it was not</p>

Page 14

1 very often.

2 **Q. What was the average wage you would get**
3 **during the week at the time of the accident?**

4 A. 300.

5 **Q. Who could establish that you were working**
6 **for Donnie Brown's Grave Digging Services?**

7 A. Donnie.

8 **Q. Can you give me his phone number?**

9 A. I don't have it. My dad could tell you
10 I -- I mean, he'd tell you that I worked there,
11 too.

12 **Q. What's that?**

13 A. My dad -- I said, my dad knew that
14 I worked there.

15 **Q. Is there any way to get a hold of Brown's**
16 **Grave Digging Services?**

17 A. I mean, I could get the number for you,
18 but I don't have it now. I lost it when I lost my
19 phone.

20 **Q. Is it -- I mean, is it a number that's on**
21 **the Internet or --**

22 A. It may be.

23 **Q. Where is Brown's Grave Digging Services**
24 **located?**

Page 15

1 A. It's out of Loudendale.

2 **Q. What cemeteries would you dig graves?**

3 A. All over. From here to Red House.

4 **Q. Just different cemeteries?**

5 A. (Nodding head.)

6 **Q. And do you get paid per day? Do you get**
7 **paid per grave?**

8 A. Per day.

9 **Q. Do you know if Donnie got paid per day or**
10 **per grave, or the business gets paid --**

11 A. No. I never -- I never asked.

12 **Q. What's that?**

13 A. I think he got paid per grave and tent
14 service.

15 **Q. Say that again?**

16 A. Per grave and tent service.

17 **Q. Oh, tent service?**

18 A. Yeah.

19 **Q. Okay. So if this accident happened in**
20 **2020, how much money had you made, or would you**
21 **estimate that you had made, from January 1st, 2020,**
22 **to May of 2020?**

23 A. I have no clue.

24 **Q. Did you file tax returns?**

Page 16

1 A. No.

2 **Q. So you did not file a tax return in 2020?**

3 A. No.

4 **Q. Did you file a tax return in 2021?**

5 A. No.

6 **Q. I'm sorry. Did you file a tax return in**
7 **2019 is what I meant?**

8 A. (Shaking head.)

9 **Q. Is that a "no"?**

10 A. Yeah. No.

11 **Q. Did you file a tax return in 2018?**

12 A. No. I haven't filed taxes in a long time.

13 **Q. Did you file a tax return in 2017?**

14 A. No.

15 **Q. Did you file a tax return in 2016?**

16 A. No.

17 **Q. Okay. Did Donnie pay you under the table?**

18 A. Yeah.

19 **Q. Just straight cash, no --**

20 A. A hundred dollars a day.

21 **Q. -- no taxes, nothing like that?**

22 A. A hundred dollars a day.

23 **Q. So at the time of the accident, you were**

24 **employed at Brown's Grave Digging Services, which**

Page 17

1 **you would do -- periodically, you would work for**
2 **Brown's Grave Digging Services digging graves; is**
3 **that accurate? Is that correct?**

4 A. Yeah.

5 **Q. And prior to that, were you ever employed?**

6 A. Yeah.

7 **Q. Where?**

8 A. The only job is at BP, I guess.

9 **Q. You worked at BP?**

10 A. Yeah.

11 **Q. BP where?**

12 A. Kanawha City.

13 **Q. Do you know what year you were employed**
14 **there?**

15 A. I think it was 2015?

16 **Q. And what did you do there? Cashier?**

17 A. Yeah.

18 **Q. Other than being employed at Brown's Grave**
19 **Digger Services and at BP in 2015 -- are those the**
20 **only two places that you've been employed in the**
21 **past call it five years or so?**

22 A. I worked on and off for my dad
23 occasionally.

24 **Q. On and off for your father? Correct?**

<p style="text-align: right;">Page 18</p> <p>1 A. Yeah.</p> <p>2 Q. Is that what you said?</p> <p>3 For Absolute Contracting?</p> <p>4 A. Yeah.</p> <p>5 Q. And how often would you work for your</p> <p>6 father?</p> <p>7 A. Just whenever he needed the help.</p> <p>8 Q. At the time of the accident, how often had</p> <p>9 you worked for your father?</p> <p>10 A. Me and my father were having a falling-out</p> <p>11 at the time of the accident.</p> <p>12 Q. So you had a falling-out at the time of</p> <p>13 the accident.</p> <p>14 How about prior to the accident, when was</p> <p>15 the last time --</p> <p>16 A. That's what I mean, prior to the accident,</p> <p>17 I hadn't worked for my dad for a while.</p> <p>18 Q. For how long?</p> <p>19 A. Probably six months or so.</p> <p>20 Q. Why did you and your dad have a</p> <p>21 falling-out?</p> <p>22 A. Just differences.</p> <p>23 Q. What were your-all's differences</p> <p>24 regarding?</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Have you ever been married?</p> <p>2 A. No.</p> <p>3 Q. Have you got any kids?</p> <p>4 A. No.</p> <p>5 Q. What's the name of your mother?</p> <p>6 A. Tonya Devitt.</p> <p>7 Q. Say that again?</p> <p>8 A. Tonya Devitt.</p> <p>9 Q. Tonya? Can you spell "Tonya"?</p> <p>10 A. T-O-N-Y-A D-E-V-I-T-T.</p> <p>11 Q. And is she still alive?</p> <p>12 A. Yeah.</p> <p>13 Q. Where does she live?</p> <p>14 A. I don't know.</p> <p>15 Q. You don't have much to do with her?</p> <p>16 A. Not really.</p> <p>17 Q. When did you last speak to her?</p> <p>18 A. I don't remember.</p> <p>19 Q. A long time ago?</p> <p>20 A. It's been a while.</p> <p>21 Q. Why don't you have a relationship with</p> <p>22 your mom?</p> <p>23 A. I don't know.</p> <p>24 Q. Personal differences?</p>
<p style="text-align: right;">Page 19</p> <p>1 A. He's an asshole.</p> <p>2 Q. Why was he an asshole?</p> <p>3 A. I mean, why -- because he's a dad.</p> <p>4 Q. Because he's a dad?</p> <p>5 A. Yeah.</p> <p>6 Q. All right. So at the time of the accident</p> <p>7 in May of 2000 (sic), you had not worked for your</p> <p>8 father for at least six months?</p> <p>9 A. Yeah.</p> <p>10 Q. And that was because you and your father</p> <p>11 had some personal differences?</p> <p>12 A. Yeah.</p> <p>13 Q. When you would work for your father, how</p> <p>14 much would you make an hour?</p> <p>15 A. Fifteen dollars an hour.</p> <p>16 Q. And what would you do?</p> <p>17 A. Just general contracting, general labor.</p> <p>18 Q. You would do labor for 15 bucks an hour?</p> <p>19 A. (Nodding head.)</p> <p>20 Q. Is that a "yes"?</p> <p>21 A. Yeah.</p> <p>22 Q. Have we covered your employment history</p> <p>23 pretty much?</p> <p>24 A. Pretty much.</p>	<p style="text-align: right;">Page 21</p> <p>1 A. I guess so.</p> <p>2 MR. FORBES: Do you need a break, Billy?</p> <p>3 Are you doing okay?</p> <p>4 THE WITNESS: I'll be all right.</p> <p>5 Q. Let me know anytime you need to take a</p> <p>6 break. I'll be glad to do so.</p> <p>7 A. Let's get it over with so I can take a</p> <p>8 break and go lay down. It's hard on my back.</p> <p>9 Q. I understand. Well, it's going to be a</p> <p>10 while.</p> <p>11 A. Yeah.</p> <p>12 Q. So I'm just saying, just whatever you need</p> <p>13 to do at any point, I'll be glad to accommodate you</p> <p>14 in any way you need.</p> <p>15 So are you close to any family members?</p> <p>16 A. Not really.</p> <p>17 Q. Do you have any brothers or sisters?</p> <p>18 A. Yeah.</p> <p>19 Q. Are they around?</p> <p>20 A. Yeah.</p> <p>21 Q. What's their names?</p> <p>22 A. It's Shonathan, Kavan, and Matthew.</p> <p>23 Q. Say that again?</p> <p>24 A. Shonathan.</p>

<p style="text-align: right;">Page 22</p> <p>1 Q. Shonathan? 2 A. Yeah. Mairs. That's my mom's kid. 3 Q. Let's see. All right. Shon- -- spell it. 4 A. S-H-O-N-A-T-H-A-N. 5 Q. That is your -- and what's the last name? 6 A. Mairs, M-A-I-R-S. 7 Q. And that is your mother's child? 8 A. Yeah. 9 Q. Is it a boy or a girl? 10 A. Boy. 11 Q. How old is Shonathan? 12 A. Sixteen, seventeen, something like that. 13 Q. All right. And any other brothers or 14 sisters? 15 A. Kavan -- K-A-V-A-N -- Mairs. 16 Q. Also your mother? 17 A. Yeah. 18 Q. Is that a boy or a girl? 19 A. Boy. 20 Q. How old? 21 A. Twelve. 22 Q. Any others? 23 A. Matthew Means. 24 Q. Matthew Means?</p>	<p style="text-align: right;">Page 24</p> <p>1 around here, and Brittany Pitzer. 2 Do you know where the Mairs live at all? 3 A. Sissonville. 4 Q. Sissonville? 5 What's your educational background? 6 A. I didn't complete high school. Ninth 7 grade. 8 Q. You quit high school in the ninth grade? 9 A. Yeah. 10 Q. Where? 11 A. St. Albans. 12 Q. All right. Why did you quit? 13 A. Got expelled. 14 Q. Why did you get expelled? 15 A. Smoking weed. 16 Q. Did you ever try to go back? 17 A. Yeah. They told me to join the Army. 18 Q. What's that? 19 A. Yeah. They told me to join the Army. 20 Q. So did you? 21 A. No. 22 Q. So what did you do after getting expelled 23 in ninth grade? 24 A. I went and tried to take my ASVABs, but I</p>
<p style="text-align: right;">Page 23</p> <p>1 A. Yeah. 2 Q. And how old is Matthew? 3 A. Twenty, twenty-one. 4 Q. And where does Matthew live? 5 A. I'm not sure. Loudendale, I think. 6 Q. Does he live around here? 7 A. Yeah. 8 And Brittany Pitzer. 9 Q. Brittany Pitzer? 10 A. Yeah. That's my dad's daughter, but he 11 didn't -- she got adopted out. 12 Q. Brittany Pitzer, P-I- -- 13 A. P-I-T-Z-E-R. 14 Q. How old is Brittany? 15 A. Twenty-four, twenty-five. 16 Q. Where does Brittany live? 17 A. I'm not sure. 18 Q. Does she live around here? 19 A. I think in Kanawha City somewhere. 20 Q. Do you have much contact with Brittany? 21 A. No. I haven't talked to her in forever. 22 Q. So there's Shonathan Mairs. There's Kavan 23 Mairs. Those are your mother's kids. There's 24 Matthew Means, who is your dad's kid that lives</p>	<p style="text-align: right;">Page 25</p> <p>1 just gave up on it. 2 Q. You just gave up? 3 So never got a high school diploma or 4 anything? 5 A. No. 6 Q. Have you ever been injured in any other 7 way in which you asked for money from an insurance 8 company? 9 A. No. 10 Q. Filed a claim of any kind? 11 A. No. 12 Q. Nothing like that? 13 Have you ever filed any Workers' Comp 14 claims? 15 A. No. 16 Q. Any claims for disability, or anything 17 like that? 18 A. No. 19 Q. Has anybody ever filed a lawsuit against 20 you? 21 A. No. 22 Q. Have you ever filed any other lawsuits? 23 A. No. 24 Q. All right. How about we talk about your</p>

<p style="text-align: right;">Page 26</p> <p>1 criminal history?</p> <p>2 Have you ever been charged with a crime?</p> <p>3 A. Charges? Yeah, a couple.</p> <p>4 Q. What's that?</p> <p>5 A. Yeah, a couple.</p> <p>6 Q. Let's see. Do you have any memory issues,</p> <p>7 or anything like that?</p> <p>8 A. Not really, but like I can't really</p> <p>9 remember stuff from way far -- I mean, I ain't got</p> <p>10 a very good memory, but I got a decent memory.</p> <p>11 Q. What's that?</p> <p>12 A. I ain't got an amazing memory, but I've</p> <p>13 got a decent memory.</p> <p>14 Q. Okay. So I want to talk to you about a</p> <p>15 couple of past crimes or past incidents. You tell</p> <p>16 me what you remember the best you can.</p> <p>17 Let's see. There was the February 25th,</p> <p>18 2019, incident. Anything about that? Maybe with a</p> <p>19 police officer? Running from the police? Anything</p> <p>20 like that?</p> <p>21 A. Oh, yeah.</p> <p>22 Q. What's that?</p> <p>23 A. Yeah.</p> <p>24 Q. Why don't you tell me what happened?</p>	<p style="text-align: right;">Page 28</p> <p>1 A. No, she's not. She's an elderly person.</p> <p>2 Q. She what?</p> <p>3 A. She's older. She's on disability, I</p> <p>4 think.</p> <p>5 Q. What kind of car was it?</p> <p>6 A. A Honda Civic.</p> <p>7 Q. You say you found her car which had been</p> <p>8 stolen, and you were going to return it to her?</p> <p>9 A. Yeah.</p> <p>10 Q. How did you start the car?</p> <p>11 A. It was abandoned and sitting on Loudendale</p> <p>12 with the keys in the ignition and the doors open.</p> <p>13 Q. Do you have any idea -- can you speculate</p> <p>14 as to why --</p> <p>15 MR. FORBES: Objection to form.</p> <p>16 But you can go ahead and answer.</p> <p>17 MR. RUGGIER: Yes.</p> <p>18 A. No clue.</p> <p>19 Q. You don't have any idea.</p> <p>20 Did you ever gain any information as to</p> <p>21 why this car would be on Loudendale with the keys</p> <p>22 in it and the door open?</p> <p>23 A. Huh-uh.</p> <p>24 Q. Is that a "no"?</p>
<p style="text-align: right;">Page 27</p> <p>1 A. I ran into a vehicle that had been</p> <p>2 reported stolen.</p> <p>3 Q. Say that -- you what?</p> <p>4 A. I said I found a vehicle that my neighbor</p> <p>5 had -- that had been stolen from my neighbor.</p> <p>6 I went to return it to her, and the police got</p> <p>7 behind me. I didn't have a license. I was</p> <p>8 nervous, and so I didn't stop.</p> <p>9 Q. So you found your neighbor's vehicle that</p> <p>10 had been stolen?</p> <p>11 A. Yeah.</p> <p>12 Q. And you were going to return it to her?</p> <p>13 A. Yeah.</p> <p>14 Q. So how did you get the vehicle?</p> <p>15 A. It was abandoned on Loudendale.</p> <p>16 Q. It was what?</p> <p>17 A. Abandoned on Loudendale.</p> <p>18 Q. So who was your neighbor?</p> <p>19 A. Leslie Swift.</p> <p>20 Q. Do you know Leslie's phone number?</p> <p>21 A. No, I don't.</p> <p>22 Q. Do you know where Leslie lives?</p> <p>23 A. Not now. She moved.</p> <p>24 Q. Do you know if Leslie is employed?</p>	<p style="text-align: right;">Page 29</p> <p>1 A. No.</p> <p>2 Q. Let's see. You were charged on</p> <p>3 January 22nd, 2020, for driving with</p> <p>4 suspended/revoked license and secondary arson?</p> <p>5 A. I don't recall any of those.</p> <p>6 Q. You don't remember that at all?</p> <p>7 Driving unlicensed? Don't remember</p> <p>8 anything like that?</p> <p>9 A. Huh-uh.</p> <p>10 Q. August 5th, 2019, for driving on a</p> <p>11 suspended license?</p> <p>12 A. I don't remember that either.</p> <p>13 Q. You have no recollection of an August 5th,</p> <p>14 2019, arrest for driving on a suspended license?</p> <p>15 A. No.</p> <p>16 Q. February 26, 2019. Fleeing with reckless</p> <p>17 indifference in a stolen vehicle. Do you remember</p> <p>18 anything about that?</p> <p>19 A. That was the same incident we was talking</p> <p>20 about, wasn't it?</p> <p>21 Q. Probably, from the looks of it, yeah.</p> <p>22 That's the one with the --</p> <p>23 A. Where I found the vehicle, yeah.</p> <p>24 Q. November 19th, 2018, for driving on</p>

<p style="text-align: right;">Page 30</p> <p>1 revoked -- driving revoked for DUI? 2 (Mr. diTrapano exits the room.) 3 A. That one might -- maybe. I mean, I 4 don't -- I've been pulled over a couple times for 5 driving revoked. I can't recall exactly when, 6 but ... 7 Q. So you don't really have any memory of it, 8 or there's several of them, so -- 9 A. There's a couple of them. I mean, it's 10 just ... 11 Q. August 26th, 2018, for driving while 12 license suspended/revoked and for transferring 13 stolen property? 14 A. Yeah. 15 Q. Why don't you tell me what happened there? 16 A. The tags I had I had found in a parking 17 lot and put them on my car. 18 Q. You just found them in a parking lot, and 19 so you put them on your car? 20 A. Yeah. 21 Q. You didn't steal them off another car? 22 A. No. 23 Q. Why didn't your car have tags? 24 A. Because I had just got it. My uncle had</p>	<p style="text-align: right;">Page 32</p> <p>1 (Mr. diTrapano enters the room.) 2 A. I don't remember it. 3 Q. October 14th, 2010, for possession of 4 marijuana. You were sentenced six months for this. 5 A. I don't remember it. 6 MR. FORBES: I'm going to object. Does 7 that show like a suspended sentence, or are 8 you saying that somebody put him in jail for 9 six months? 10 MR. RUGGIER: I don't know if somebody -- 11 well, I'm not sure. 12 MR. FORBES: Okay. 13 MR. RUGGIER: Whatever he remembers is all 14 I'm looking for. 15 Q. April 11th, 2010, for concealed weapon 16 without a license? 17 A. Yeah. 18 Q. What do you remember about that? 19 A. Me and a friend -- I was moving back with 20 my mom, and I had my pistol in the trunk in a 21 lockbox. I got pulled over, and the cop -- we told 22 the cop it was there, and he tried to carry -- he 23 pulled it out and tried to get me for carrying 24 concealed. It was tossed out.</p>
<p style="text-align: right;">Page 31</p> <p>1 just passed away. I came in to go -- to be a 2 pallbearer at his funeral. 3 Q. Let's see. April 25th, 2016. Driving 4 while license suspended/revoked for DUI and for DUI 5 on meth? 6 A. I don't remember that. 7 Q. April 5th, 2016, for marijuana possession? 8 A. I don't really remember that. 9 Q. March 29th, 2016. Driving for -- revoked 10 for DUI? This is the anniversary of that one. 11 A. What is it? 12 Q. I said it's the anniversary of that one. 13 A. Uh-huh. 14 Q. Do you remember it at all? 15 A. Huh-uh. 16 Q. January 31st, 2016. DUI? 17 A. I don't remember it. That's back a little 18 far for me. 19 Q. October 13th, 2015. DUI? 20 A. I don't remember it. 21 Q. October 22nd, 2011, for DUI? 22 A. I don't recall. 23 Q. January 23rd, 2011, for 24 receiving/transferring a stolen vehicle?</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. April 8th, 2009, for embezzlement? 2 A. Yeah. I worked for Go-Mart, and I got 3 caught stealing cigarettes. 4 Q. They called that embezzlement? 5 A. Yeah. It was petit larceny. 6 Q. Do you remember what you received for 7 that? 8 A. Paid restitution. That's about it. 9 Q. Okay. So it wasn't really embezzlement. 10 Were you taking money from Go-Mart? 11 A. It was -- they didn't -- couldn't prove 12 that I was. It was dropped to petit larceny. 13 Q. They proved that you stole some 14 cigarettes? 15 A. Yeah. 16 Q. Well, there's the -- maybe it's the same 17 one. April 21st, 2009, petit larceny? 18 A. Yeah. 19 Q. It's probably the same. 20 Have you ever been treated for drug or 21 alcohol abuse? 22 A. No. 23 Q. What's that? 24 A. No.</p>

Page 34

1 **Q. Are you a drug addict?**
 2 A. No. I was. Recovering.
 3 **Q. So you'd describe yourself as a recovering**
 4 **drug addict?**
 5 A. Yeah.
 6 **Q. When were you a drug addict?**
 7 A. Before the accident.
 8 **Q. Before the accident?**
 9 A. Yeah.
 10 **Q. At the time of the accident, were you a**
 11 **drug addict?**
 12 A. No. I was in the -- had just started
 13 recovery.
 14 **Q. So at the time of the accident, you were**
 15 **not a drug addict --**
 16 A. I was in recovery.
 17 **Q. You were a recovering drug addict because**
 18 **you had stopped using drugs?**
 19 A. Yeah.
 20 **Q. When did you stop using drugs?**
 21 A. I don't really recall like the exact date,
 22 but I attempted to do it. It was probably a month
 23 before my accident.
 24 **Q. On the day of the accident, had you taken**

Page 35

1 **any drugs?**
 2 A. No.
 3 **Q. What's that?**
 4 A. Huh-uh. No.
 5 **Q. And on the night before the accident, had**
 6 **you taken any drugs?**
 7 A. Not that I recall.
 8 **Q. In the two weeks prior to the accident,**
 9 **had you taken any drugs?**
 10 A. Probably.
 11 **Q. You say "probably"?**
 12 A. Yeah.
 13 **Q. Did you tell any doctors or medical**
 14 **personnel that you were an IV drug user?**
 15 A. At one point in time, yeah.
 16 **Q. After the accident?**
 17 A. Yeah, at one time.
 18 **Q. At the time of the accident, you were not**
 19 **an IV drug user?**
 20 A. It was beforehand.
 21 **Q. What's that?**
 22 A. It was beforehand.
 23 **Q. When was the last time that you took any**
 24 **kind of illegal drugs prior to the accident on**

Page 36

1 **May 2nd --**
 2 A. I can't really recall.
 3 **Q. You're not sure when you did?**
 4 A. No. I'm not sure.
 5 **Q. But you did take illegal drugs prior to**
 6 **the accident at some point?**
 7 MR. FORBES: Objection to form.
 8 You can go ahead and answer if you --
 9 A. Yeah, I guess, but like I said, I don't
 10 really remember just when.
 11 **Q. Can you state that you did not take drugs**
 12 **in the two days prior to the accident?**
 13 A. I -- I really don't remember.
 14 **Q. You're not sure?**
 15 A. Not sure.
 16 **Q. And is it a fair characterization of your**
 17 **testimony that you do not know when you last took**
 18 **drugs prior to the accident?**
 19 A. Yeah.
 20 **Q. What's that?**
 21 A. Yes.
 22 **Q. Do you need to take a break?**
 23 A. No.
 24 **Q. What kind of drugs would you take prior to**

Page 37

1 **the accident?**
 2 A. I was just a user. It didn't matter. I
 3 was just looking to comfort --
 4 **Q. Looking to comfort what?**
 5 A. It didn't matter. I mean, I was a drug
 6 addict.
 7 **Q. You were just -- any kind of drugs you**
 8 **could get your hands on?**
 9 A. Yeah.
 10 **Q. Would that include opioids?**
 11 A. Yeah.
 12 **Q. Would that include intravenous drug use?**
 13 A. It would mean anything beforehand.
 14 **Q. What's that?**
 15 A. I had -- like I hadn't been using
 16 intravenously for a while.
 17 **Q. Say that again?**
 18 A. I said, I hadn't been using intravenously
 19 for a while before the wreck. I had been sober for
 20 a good bit.
 21 **Q. What's that?**
 22 A. I had been sober from intravenous use for
 23 a good while.
 24 **Q. You were more into drug- -- pills?**

<p style="text-align: right;">Page 38</p> <p>1 A. No. Just smoking meth.</p> <p>2 Q. Smoking meth?</p> <p>3 A. Smoking heroin.</p> <p>4 Q. On the day of the accident, would you</p> <p>5 think that there was methamphetamines in your body?</p> <p>6 A. No.</p> <p>7 Q. On the day of the accident, would there</p> <p>8 be -- would you think there would be any kind of</p> <p>9 opioids in your body?</p> <p>10 A. Not -- there shouldn't have been.</p> <p>11 Q. On the day of the accident, would you</p> <p>12 think there would be any kind of drugs in your</p> <p>13 body?</p> <p>14 A. There shouldn't have been. Not that I</p> <p>15 know of.</p> <p>16 Q. Do you remember the last time you did any</p> <p>17 kind of illegal drugs prior to the accident?</p> <p>18 A. No.</p> <p>19 Q. Prior to the time of the accident, how</p> <p>20 often would you smoke meth?</p> <p>21 A. Just occasionally.</p> <p>22 Q. What's that?</p> <p>23 A. Just occasionally.</p> <p>24 Q. Like what does that mean? If you can,</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. Did you say you quit making money?</p> <p>2 A. I quit being able to work, and so I</p> <p>3 couldn't afford the drugs. And I got infections.</p> <p>4 So the more I'd get high, the more infections would</p> <p>5 arise.</p> <p>6 Q. Is -- the reason that you're no longer a</p> <p>7 drug addict is because you are handicapped now?</p> <p>8 MR. FORBES: Objection to form.</p> <p>9 A. Not necessarily, but, yeah, it does have a</p> <p>10 good -- I mean, I'm more prone to infection being</p> <p>11 handi- -- and drugs bring infection.</p> <p>12 Q. And you can't really -- is it hard for you</p> <p>13 to get drugs now?</p> <p>14 A. I don't even try. I don't even attempt.</p> <p>15 I don't even think about them. I think about my</p> <p>16 life more than that.</p> <p>17 Q. Is it a fair statement that your being</p> <p>18 paralyzed is the reason for you no longer being a</p> <p>19 drug addict?</p> <p>20 A. Not necessarily, but ...</p> <p>21 Q. Then maybe I'm --</p> <p>22 A. I'm no longer a drug addict because I</p> <p>23 don't want to be a drug addict. I mean ...</p> <p>24 Q. You're no longer a drug addict because you</p>
<p style="text-align: right;">Page 39</p> <p>1 give me something more accurate. Once a week?</p> <p>2 Once --</p> <p>3 A. Whenever it was brought to my -- I mean,</p> <p>4 whenever somebody had it.</p> <p>5 Q. Whenever you got your hands on it?</p> <p>6 A. Basically.</p> <p>7 Q. Because you were a drug addict, and --</p> <p>8 A. Basically.</p> <p>9 Q. -- that's what drug addicts do?</p> <p>10 Did you ever sell any drugs?</p> <p>11 A. No.</p> <p>12 Q. Was meth your drug of choice?</p> <p>13 A. I didn't have a drug of choice.</p> <p>14 Q. How come?</p> <p>15 A. Because I was a drug addict.</p> <p>16 Q. So you were just looking for any drugs you</p> <p>17 could get?</p> <p>18 A. Yeah.</p> <p>19 Q. And how did you become cured from being a</p> <p>20 drug addict?</p> <p>21 A. I quit making money and got handicapped.</p> <p>22 Q. What's that?</p> <p>23 A. I said, I quit making money and got</p> <p>24 handicapped. Too many infections.</p>	<p style="text-align: right;">Page 41</p> <p>1 don't want to be a drug addict?</p> <p>2 A. Yeah. I choose not to be.</p> <p>3 MR. DITRAPANO: Duane, it's been an hour,</p> <p>4 and he, you know, indicated to us earlier</p> <p>5 that he was having, you know, a hard time, you</p> <p>6 know, sitting up for long periods of time.</p> <p>7 We can't do anything about that really. But</p> <p>8 maybe it would be a good time to take a short</p> <p>9 break if you can.</p> <p>10 MR. RUGGIER: That's fine with --</p> <p>11 THE WITNESS: My bowels don't work, and</p> <p>12 I haven't used the bathroom in over two weeks.</p> <p>13 So it's like concrete (indicating) right now.</p> <p>14 I mean, it's --</p> <p>15 MR. RUGGIER: Yeah. I understand.</p> <p>16 THE WITNESS: I ain't got no mobility in</p> <p>17 my back.</p> <p>18 MR. RUGGIER: Whatever -- like I said at</p> <p>19 the beginning, whatever you need to do --</p> <p>20 MR. FORBES: Let's take a five-minute</p> <p>21 break, and we'll just see how it goes.</p> <p>22 MR. RUGGIER: Do you need to lay down or</p> <p>23 something or --</p> <p>24 THE WITNESS: I mean, it would be nice,</p>

<p style="text-align: right;">Page 42</p> <p>1 but I ain't going to be able to here. 2 (Break in proceedings.) 3 (Mr. Forbes not present.) 4 BY MR. RUGGIER: 5 Q. Let's talk a little bit about your -- 6 let's see. On the day of the accident, did you 7 have a motorcycle license? 8 A. No. 9 Q. Have you ever had a motorcycle license? 10 A. No. 11 Q. Have you ever had any training on how to 12 drive a motorcycle? 13 A. No. 14 Q. Did anybody ever teach you how to drive a 15 motorcycle? 16 A. Yeah. I've been on one my whole life. 17 Q. You've always rode motorcycles? 18 A. Yeah. 19 Q. Since you were a kid? 20 A. Yeah. 21 Q. So who taught you how to ride? 22 A. Myself mostly. 23 Q. When did you first start riding 24 motorcycles?</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. What kind of bike was it? 2 A. 500 Ninja. 3 Q. Was that your first, as we'll call it, 4 crotch rocket? 5 A. Yeah. 6 Q. So you've been riding crotch rockets for 7 about 15 years? 8 A. Yeah. 9 Q. Have you -- in all that time, you never 10 had a motorcycle license? 11 A. No. 12 Q. What would you do if you got pulled over 13 by the police and you didn't have a motorcycle 14 license? 15 A. I'd get pulled over, and like any other 16 time, I'd lose my bike and go to jail. 17 Q. What's that? 18 A. I said, I'd lose my bike and go to jail. 19 Q. Did you ever try to get a motorcycle 20 license? 21 A. No. 22 Q. Why not? 23 A. Because I had a DUI. 24 Q. If you have a DUI, you can't get a</p>
<p style="text-align: right;">Page 43</p> <p>1 A. I was like five or six. 2 Q. So the only time that you've learned how 3 to ride a motorcycle, you just basically -- you 4 self-taught kind of thing? 5 A. Yeah, my whole life. Twenty-some years. 6 Q. What's that? 7 A. About twenty-some years riding. 8 Q. Do you consider yourself to be an 9 experienced motorcycle rider? 10 A. Yeah. 11 Q. The motorcycles that you would ride, would 12 you ride dirt bikes or street bikes? 13 A. Mostly dirt bikes. 14 Q. How often would you ride a street bike? 15 A. Daily. 16 Q. Daily you'd ride a street bike? 17 A. Yeah. When I got my first one. 18 Q. What's that? 19 A. When I got my first one. I don't remember 20 when it was. Probably 2005, I started riding 21 street bikes. 22 Q. You think you got your first street bike 23 around 2005? 24 A. Yeah.</p>	<p style="text-align: right;">Page 45</p> <p>1 motorcycle license? 2 A. I never took the DUI classes. I mean, 3 you've got to have a license to get a motorcycle 4 license. 5 Q. Why didn't you take the DUI classes? 6 A. I couldn't afford it. 7 Q. Let's talk a little about your motorcycle 8 that you had on the day of the accident. Where did 9 you get that motorcycle? 10 A. My uncle got it for me. 11 Q. Your uncle? 12 A. Yeah. 13 Q. Which uncle? 14 A. It's not really my uncle. I just call him 15 my uncle. It's my aunt's boyfriend, my mom's 16 sister's boyfriend. 17 Q. What's his name? 18 A. Richie. 19 Q. Richie what? 20 A. Dodd. 21 Q. Richie what? 22 A. Dodd. 23 Q. Dodd? 24 A. Yeah, D-O-D-D.</p>

<p style="text-align: right;">Page 46</p> <p>1 Q. And do you know Richie's phone number?</p> <p>2 A. He doesn't have one.</p> <p>3 Q. He doesn't have a phone?</p> <p>4 A. Not that I know of.</p> <p>5 Q. Do you know what your aunt's phone number</p> <p>6 is?</p> <p>7 A. I don't think she has one either.</p> <p>8 Q. Do you know where Richie lives?</p> <p>9 A. Over on Greenbrier Street. I don't know</p> <p>10 the address.</p> <p>11 Q. How would you get a hold of Richie if you</p> <p>12 wanted to?</p> <p>13 A. Show up at his house.</p> <p>14 Q. How did he get -- you said he -- my --</p> <p>15 my --</p> <p>16 A. He got it in a deal. He traded a car.</p> <p>17 Well, it was like kickback from somebody buying a</p> <p>18 car from him.</p> <p>19 Q. But how did you get it?</p> <p>20 A. He gave it to me.</p> <p>21 Q. So the motorcycle was given to you by your</p> <p>22 aunt's boyfriend?</p> <p>23 A. Aunt's boyfriend, yeah.</p> <p>24 Q. What kind of bike was it that he gave you?</p>	<p style="text-align: right;">Page 48</p> <p>1 it in as boot.</p> <p>2 Q. It was a barter kind of deal.</p> <p>3 At the time when you received it, did you</p> <p>4 think that it was likely a stolen bike?</p> <p>5 A. No. I had the sheriff run the VIN number</p> <p>6 on it.</p> <p>7 Q. How did you do that?</p> <p>8 A. My girlfriend called the law on me, and</p> <p>9 they came and ran the VIN number on it.</p> <p>10 Q. So your girlfriend called the police on</p> <p>11 you?</p> <p>12 A. Yeah. I was parked in the driveway, and</p> <p>13 they thought it was stolen. So they ran the VIN on</p> <p>14 it, and it came back clean.</p> <p>15 Q. Well, they ran the VIN on it and it came</p> <p>16 back clean, but -- what -- that means it had not</p> <p>17 been stolen?</p> <p>18 A. Yeah. When they run the VIN, it comes</p> <p>19 back stolen or clean.</p> <p>20 Q. But the license plate was to a different</p> <p>21 motorcycle?</p> <p>22 A. Yeah.</p> <p>23 Q. If the license plate is to a different</p> <p>24 motorcycle, doesn't that suggest that maybe this</p>
<p style="text-align: right;">Page 47</p> <p>1 A. CBR 600.</p> <p>2 Q. CBR 600.</p> <p>3 Is that a Honda?</p> <p>4 A. Yeah.</p> <p>5 Q. It's a Honda?</p> <p>6 A. Yeah.</p> <p>7 Q. It was registered as a Yamaha YT250 or</p> <p>8 XT250?</p> <p>9 A. That was just the license plate that was</p> <p>10 on it.</p> <p>11 Q. What's that?</p> <p>12 A. I said that was just the license plate</p> <p>13 that was on it.</p> <p>14 Q. Where did you get that license plate?</p> <p>15 A. It was on it when I got it.</p> <p>16 Q. So what does that tell you about the bike?</p> <p>17 A. Probably the people before didn't have a</p> <p>18 motorcycle license either.</p> <p>19 Q. Probably what?</p> <p>20 A. The people that owned it before didn't</p> <p>21 have a motorcycle license either.</p> <p>22 Q. Do you know how much Richie paid for it,</p> <p>23 or did he pay for it?</p> <p>24 A. He sold a car to somebody, and they threw</p>	<p style="text-align: right;">Page 49</p> <p>1 bike is a stolen bike?</p> <p>2 A. No. When the VIN number comes back clean,</p> <p>3 the VIN number comes back clean. The license plate</p> <p>4 has nothing to do with the VIN number.</p> <p>5 Q. How long had you had the bike?</p> <p>6 A. Probably six months.</p> <p>7 Q. How often would you ride it?</p> <p>8 A. Not very often. I was more working on it.</p> <p>9 I was going to take the motor off and put it on a</p> <p>10 go-cart.</p> <p>11 Q. Why?</p> <p>12 A. Because I didn't have a title to it.</p> <p>13 Q. Because you didn't have the title to the</p> <p>14 motorcycle --</p> <p>15 A. Yeah.</p> <p>16 Q. -- you were concerned --</p> <p>17 A. I was just going to put the motor on a</p> <p>18 go-cart.</p> <p>19 Q. Can you do that?</p> <p>20 A. Yeah.</p> <p>21 Q. Was that bike your principal means of</p> <p>22 getting around?</p> <p>23 A. No.</p> <p>24 Q. What would you normally use to drive</p>

<p style="text-align: right;">Page 50</p> <p>1 around?</p> <p>2 A. I wouldn't drive around. I'd be driven.</p> <p>3 Q. What's that?</p> <p>4 A. I didn't have a vehicle. I had people</p> <p>5 give me rides.</p> <p>6 Q. Was the bike your only way of getting</p> <p>7 around?</p> <p>8 A. Yeah, but I really didn't ride the bike</p> <p>9 like that.</p> <p>10 Q. You really what?</p> <p>11 A. I really didn't ride the bike like that.</p> <p>12 I mean, it wasn't -- I didn't want to get in</p> <p>13 trouble. I mean -- so mostly I'd get a ride from</p> <p>14 someone if I needed to go somewhere.</p> <p>15 Q. So the way you would normally get around,</p> <p>16 would you get a ride from somebody?</p> <p>17 A. Yeah.</p> <p>18 Q. You never got the motorcycle registered?</p> <p>19 A. No.</p> <p>20 Q. Why was the gas tank black?</p> <p>21 A. Because I painted the whole bike black. I</p> <p>22 painted it with Rhino lining because it was more of</p> <p>23 a stunt -- I mean, when I did ride it, I'd ride it</p> <p>24 in parking lots doing tricks, and easy touch-up.</p>	<p style="text-align: right;">Page 52</p> <p>1 model.</p> <p>2 Q. You don't have any idea why that bike was</p> <p>3 registered as an XT250?</p> <p>4 A. Because somebody probably just picked the</p> <p>5 plates up and put it on there. I mean --</p> <p>6 Q. Give somebody else some different</p> <p>7 plates and --</p> <p>8 A. Yeah.</p> <p>9 Q. What repairs did you do to the bike?</p> <p>10 A. Just -- I mean, not really repaired. I</p> <p>11 painted it. Like I said, I was going to take the</p> <p>12 motor off of it and put it on a go-cart, so ...</p> <p>13 Q. But you never did?</p> <p>14 A. No.</p> <p>15 Q. You painted it. Did you do anything else</p> <p>16 to it?</p> <p>17 A. Not really.</p> <p>18 I put new tires on it.</p> <p>19 Q. You put new tires on it?</p> <p>20 A. Yeah. Well, like new. They were used,</p> <p>21 but --</p> <p>22 Q. You put new --</p> <p>23 A. A different tire on it.</p> <p>24 Q. -- used tires?</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. You would do tricks on the bike?</p> <p>2 A. Yeah.</p> <p>3 Q. Like what?</p> <p>4 A. I'd ride wheelies. Just mess around on</p> <p>5 it. I mean --</p> <p>6 Q. So bike tricks, and things like that.</p> <p>7 So you painted the whole bike black?</p> <p>8 A. Yeah. Rhino lining. It didn't come off</p> <p>9 as easy.</p> <p>10 Q. Explain to me what Rhino lining is.</p> <p>11 A. It's like bed liner for a truck.</p> <p>12 Q. Oh, so you put Rhino liner on it?</p> <p>13 A. Yeah.</p> <p>14 Q. I gotcha.</p> <p>15 What was the color of the gas tank</p> <p>16 originally?</p> <p>17 A. Purple.</p> <p>18 Q. You didn't like that?</p> <p>19 A. It was all right, but it didn't have all</p> <p>20 the plastics to it, and so it looked kind of -- it</p> <p>21 was a Smokin Joe Edition.</p> <p>22 Q. Okay. You mean, the bike was a Smokin Joe</p> <p>23 Edition?</p> <p>24 A. Yeah, like Smokin Joe Camel. It was a '96</p>	<p style="text-align: right;">Page 53</p> <p>1 A. Yeah.</p> <p>2 Q. Different tires?</p> <p>3 A. Yeah.</p> <p>4 Q. Why did you put different tires on it?</p> <p>5 A. I don't know why.</p> <p>6 Q. What's that?</p> <p>7 A. I don't know. Someone give them to me.</p> <p>8 Q. What kind of tires did you put on?</p> <p>9 A. I don't remember.</p> <p>10 Dunlops, I think.</p> <p>11 Q. Do you know what type of Dunlop?</p> <p>12 A. No.</p> <p>13 Q. Do you know what type of tread was on</p> <p>14 there?</p> <p>15 A. (Shaking head.)</p> <p>16 Q. No? Is that no?</p> <p>17 A. No.</p> <p>18 Q. Okay. Did you ever do anything to the</p> <p>19 brakes?</p> <p>20 A. Not that I know of.</p> <p>21 Q. Were the brakes operating properly at the</p> <p>22 time of the accident?</p> <p>23 A. Yeah.</p> <p>24 Q. Was the steering operating properly at the</p>

<p style="text-align: right;">Page 54</p> <p>1 time of the accident?</p> <p>2 A. Yeah.</p> <p>3 Q. Was everything operating properly at the</p> <p>4 time of the accident on the bike?</p> <p>5 A. Yeah.</p> <p>6 Q. The tires you put on, were they wider than</p> <p>7 the ones that were originally on it?</p> <p>8 A. No. They were the same size.</p> <p>9 Q. Same size.</p> <p>10 What happened to the seat?</p> <p>11 A. It didn't have one on it.</p> <p>12 Q. There was no seat on it?</p> <p>13 A. No. I put a seat from my previous bike on</p> <p>14 it.</p> <p>15 Q. Oh, okay. So you put a new seat on it?</p> <p>16 A. Yeah.</p> <p>17 Q. Because right now the bike -- I went and</p> <p>18 looked at the bike, and there's no seat on it.</p> <p>19 A. I guess that's where they wrecked me.</p> <p>20 Q. Did it come off during the wreck, or do</p> <p>21 you know?</p> <p>22 A. I don't know.</p> <p>23 Q. What kind of seat did you put on it?</p> <p>24 A. It was a CBR seat. I mean, it was a</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. How else? Anything else specifically you</p> <p>2 would do as you cross a railroad track?</p> <p>3 A. Nothing specific.</p> <p>4 Look both ways.</p> <p>5 Q. Do you remain seated?</p> <p>6 A. Yeah.</p> <p>7 Q. Have you ever previously wrecked going</p> <p>8 over railroad tracks?</p> <p>9 A. No.</p> <p>10 Q. Have you ever driven a motorcycle on the</p> <p>11 side of the railroad tracks on the rocks?</p> <p>12 A. No.</p> <p>13 Q. So you've been riding motorcycles for</p> <p>14 20 years?</p> <p>15 A. Yeah.</p> <p>16 Q. Are you aware that you need to have a</p> <p>17 motorcycle license to --</p> <p>18 A. Yeah.</p> <p>19 Q. What's that?</p> <p>20 A. Yeah.</p> <p>21 Q. Do you -- let me finish my question.</p> <p>22 A. Sorry.</p> <p>23 Q. Are you aware that you need to have a</p> <p>24 motorcycle license to properly operate a motorcycle</p>
<p style="text-align: right;">Page 55</p> <p>1 regular seat. It locked in just like the other one</p> <p>2 did.</p> <p>3 Q. Did you ever do anything to the</p> <p>4 suspension?</p> <p>5 A. No.</p> <p>6 Q. Did you say "no"?</p> <p>7 A. No.</p> <p>8 Q. Had you crossed railroad tracks before</p> <p>9 while you were riding bikes?</p> <p>10 A. Yeah.</p> <p>11 Q. Did you cross railroad tracks before while</p> <p>12 you were riding a motorcycle?</p> <p>13 A. Yeah.</p> <p>14 Q. Were you pretty familiar with crossing</p> <p>15 railroad tracks --</p> <p>16 A. Yeah.</p> <p>17 Q. -- on motorcycles?</p> <p>18 A. Yeah.</p> <p>19 Q. How do you cross railroad tracks on</p> <p>20 motorcycles?</p> <p>21 A. I don't understand what you mean.</p> <p>22 Q. What's the best way? How would you cross</p> <p>23 a railroad track?</p> <p>24 A. Slowly. Cautious.</p>	<p style="text-align: right;">Page 57</p> <p>1 in the state of West Virginia?</p> <p>2 A. Yeah.</p> <p>3 Q. Are you aware that you need to properly</p> <p>4 register a motorcycle in order to drive the</p> <p>5 motorcycle on the roads of the state of West</p> <p>6 Virginia?</p> <p>7 A. Yeah.</p> <p>8 Q. I think we covered this but did you have a</p> <p>9 motorcycle license on May 2nd, 2020?</p> <p>10 A. No.</p> <p>11 Q. And have you ever had a motorcycle</p> <p>12 license?</p> <p>13 A. No.</p> <p>14 Q. Did you have motorcycle insurance on</p> <p>15 May 2nd, 2020?</p> <p>16 A. No.</p> <p>17 Q. Were you aware that you were supposed to</p> <p>18 have motorcycle insurance to operate a motorcycle</p> <p>19 on the roads in the state of West Virginia?</p> <p>20 A. Yeah.</p> <p>21 Q. And why did you not have insurance?</p> <p>22 A. Because I really wasn't supposed to be</p> <p>23 riding the bike.</p> <p>24 Q. Like why am I going to insure a bike that</p>

<p style="text-align: right;">Page 58</p> <p>1 I shouldn't -- I shouldn't drive?</p> <p>2 A. That I -- yeah.</p> <p>3 Q. Are you aware that it is illegal to smoke</p> <p>4 meth and drive a motorcycle on the roads in the</p> <p>5 state of West Virginia?</p> <p>6 MR. DITRAPANO: Object --</p> <p>7 A. Yeah.</p> <p>8 MR. DITRAPANO: -- to the form of the</p> <p>9 question.</p> <p>10 A. Yeah.</p> <p>11 MR. DITRAPANO: He never said he was</p> <p>12 smoking meth and driving.</p> <p>13 Q. You can answer that.</p> <p>14 A. Yeah, I understand.</p> <p>15 Q. What's that?</p> <p>16 A. I said yeah.</p> <p>17 Q. Have you ever made methamphetamines?</p> <p>18 A. No.</p> <p>19 Q. Have you ever made crystal</p> <p>20 methamphetamines?</p> <p>21 A. No.</p> <p>22 Q. Have you attempted to make</p> <p>23 methamphetamines?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 60</p> <p>1 from the police?</p> <p>2 A. Yeah.</p> <p>3 Q. And you are aware that if the police flash</p> <p>4 their lights at you as you are driving, then you</p> <p>5 should stop and pull over?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Is that a "yes"?</p> <p>8 A. Yeah.</p> <p>9 Q. What's that?</p> <p>10 A. Yeah.</p> <p>11 Q. You are aware that if the police have</p> <p>12 their lights and siren on behind you, that you</p> <p>13 should stop and pull over?</p> <p>14 A. Yeah.</p> <p>15 Q. Do you agree that it is reasonable for a</p> <p>16 police officer to pull over a motorcycle if that</p> <p>17 motorcycle is stolen?</p> <p>18 A. Yeah.</p> <p>19 Q. Do you agree with me that your motorcycle</p> <p>20 on May 2nd of 2020 does not look like an XT250?</p> <p>21 A. Yeah.</p> <p>22 Q. Are you aware that stolen motorcycles are</p> <p>23 often painted over?</p> <p>24 A. I guess so, yeah.</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. Have you ever attempted to make crystal</p> <p>2 methamphetamine?</p> <p>3 A. No.</p> <p>4 Q. Are those two different things?</p> <p>5 A. I mean, I -- I don't know.</p> <p>6 Q. Is crystal meth different than regular</p> <p>7 meth, or --</p> <p>8 A. I don't know. Is it?</p> <p>9 Q. That's what I'm asking.</p> <p>10 A. Your guess is as good as mine.</p> <p>11 Q. What's that?</p> <p>12 A. I said, your guess is as good as mine. I</p> <p>13 just used it.</p> <p>14 Q. Are you aware that it is illegal to</p> <p>15 possess the precursors to make meth in the state of</p> <p>16 West Virginia?</p> <p>17 A. Yeah.</p> <p>18 Q. Have you ever been in possession of the</p> <p>19 precursors to make methamphetamines?</p> <p>20 A. No.</p> <p>21 Q. On May 2nd of 2020, were you in possession</p> <p>22 of any of the precursors to make methamphetamines?</p> <p>23 A. No.</p> <p>24 Q. You are aware that it is illegal to run</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Do you think it's reasonable for a police</p> <p>2 officer to attempt to pull over a motorcycle that</p> <p>3 has been painted over and that the license plate</p> <p>4 does not match the registration?</p> <p>5 MR. DITRAPANO: I'm going to object to the</p> <p>6 form.</p> <p>7 A. Yeah, I guess so.</p> <p>8 Q. Do you agree that it would seem reasonable</p> <p>9 for a police officer's suspicion to be raised if</p> <p>10 the motorcycle's license plate and registration</p> <p>11 does not match the type of motorcycle?</p> <p>12 A. Yeah.</p> <p>13 MR. DITRAPANO: Just lodge my objection</p> <p>14 to the form. All these questions where he's</p> <p>15 asking what a reasonable officer would do, I'm</p> <p>16 just objecting to the form.</p> <p>17 But you can answer them however you want</p> <p>18 to.</p> <p>19 Q. I may have asked you this, but do you</p> <p>20 think it's reasonable for a police officer to pull</p> <p>21 over a motorcycle whose driver does not have a</p> <p>22 license?</p> <p>23 MR. DITRAPANO: Object to the form.</p> <p>24 A. If they knew that they -- I guess so,</p>

Page 62

1 yeah.

2 **Q. Do you think it's reasonable for an**
 3 **officer to arrest an individual who has the**
 4 **precursors to making methamphetamines?**

5 MR. DITRAPANO: Object to the form.

6 A. Yeah.

7 **Q. Do you think it's reasonable for an**
 8 **officer to arrest an individual who is in**
 9 **possession of methamphetamines?**

10 A. Yeah.

11 MR. DITRAPANO: Object to the form.

12 **Q. Do you think it's reasonable for a police**
 13 **officer to arrest an individual who is high on**
 14 **methamphetamines while operating an unregistered**
 15 **motorcycle without a license?**

16 MR. DITRAPANO: Object to the form.

17 A. I guess so, yeah.

18 **Q. Do you agree that it is dangerous to**
 19 **operate a motorcycle while high on**
 20 **methamphetamines?**

21 A. Yeah.

22 **Q. Do you agree that it's dangerous to**
 23 **operate a motorcycle while high on any type of**
 24 **illegal drug?**

Page 63

1 A. Yeah.

2 **Q. Do you agree that your chances of wrecking**
 3 **a motorcycle increase when you are high on**
 4 **methamphetamines?**

5 A. Not necessarily.

6 **Q. Not necessarily. How so?**

7 A. Your senses are more heightened.

8 **Q. What's that?**

9 A. Your senses are more heightened, and you
 10 pay more attention to things that you usually
 11 wouldn't.

12 **Q. Do you think that you are a better**
 13 **motorcycle operator while high on methamphetamines?**

14 A. No.

15 **Q. What's that?**

16 A. No.

17 **Q. Do you agree that your chances of wrecking**
 18 **your motorcycle into other individuals increase**
 19 **when an individual is high on methamphetamines?**

20 A. I guess.

21 **Q. Do you need to take a break or anything?**

22 A. No. I just need to get it over with.

23 I've got to go home and lay down and get dug out.

24 **Q. What's that?**

Page 64

1 A. I said I need to get -- the nurses are
 2 coming today to dig me out. Like the only way I
 3 can have a bowel movement is digital stimulation.

4 **Q. Yeah. I gotcha.**

5 **What do they do for that? Do they not**
 6 **give you anything, or --**

7 A. I'm on five different laxatives. They
 8 don't work. There's two types of a spinal cord
 9 injury. You've either got your sphincter and
 10 rectum are closed solid or they're loose, and mine
 11 are solid.

12 **Q. Yours is closed?**

13 A. Yeah.

14 **Q. What kind of medication do they give you**
 15 **for that, do you know?**

16 A. Miralax, Senokot, and like in the
 17 hospital --

18 **Q. That don't work.**

19 A. No, none of them work.

20 **Q. That don't work.**

21 **Do you agree that it's dangerous for other**
 22 **individuals on the road when an individual is high**
 23 **on meth operating a motorcycle?**

24 MR. DITRAPANO: Object to the form.

Page 65

1 A. Repeat that.

2 **Q. Do you agree that it is dangerous for the**
 3 **other individuals on the road when an individual is**
 4 **high on methamphetamines operating a motorcycle?**

5 A. Yeah.

6 MR. DITRAPANO: Same objection.

7 **Q. Do you think it's reasonable for an**
 8 **individual to run from the police on a motorcycle**
 9 **if they do not have a motorcycle license?**

10 A. No.

11 **Q. Do you think it's reasonable for an**
 12 **individual to run from the police if their**
 13 **motorcycle license is suspended?**

14 A. No.

15 **Q. Do you think it's reasonable for an**
 16 **individual to run from the police on a motorcycle**
 17 **if they do not have motorcycle insurance?**

18 A. No.

19 **Q. Do you think it's reasonable for an**
 20 **individual to run from the police on a motorcycle**
 21 **if they do not have the motorcycle properly**
 22 **registered?**

23 A. No.

24 **Q. Do you think it's reasonable for police to**

<p style="text-align: right;">Page 66</p> <p>1 pursue an individual who is believed to have 2 committed a crime and is running from that officer? 3 MR. DITRAPANO: I'm going to object to the 4 form of all the reasonableness questions 5 again, so ... 6 A. Repeat it again. 7 MR. DITRAPANO: But you can answer them. 8 Q. Do you think it is reasonable for a police 9 officer to pursue an individual who is believed to 10 have committed a crime and is running from that 11 officer? 12 A. Yeah. 13 Q. Do you agree that it was reasonable for 14 Officer Peterson to initiate a pursuit of you on 15 May 2nd, 2020 -- or 2020 -- 16 MR. DITRAPANO: Object to the form. 17 Q. -- if you had a reasonable suspicion to 18 believe you were operating a vehicle without a 19 registration that may be stolen? 20 A. No. I mean, if he had probable -- but he 21 never really engaged in pursuit. It was more of a 22 bullying tactic. 23 MR. RUGGIER: Can we take a break? I've 24 got to go to the bathroom.</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. You slept on the couch. 2 Who lives there with Don Brown? 3 A. Donnie. 4 Q. Anybody else? 5 A. No. 6 Q. Don Brown, is he -- he's the grave digger 7 guy? 8 A. Yeah. 9 MR. FORBES: Hey, Duane, I'll tell you, 10 during one of the breaks, we looked up Donnie 11 Brown online. I've got a phone number. 12 MR. RUGGIER: Great. 13 MR. FORBES: It's 744-1977. 14 MR. RUGGIER: Is that the business or -- 15 MR. FORBES: The business, the grave 16 digging service. 17 And it's on Kanawha State Forest Drive in 18 Loudendale. 19 Q. All right. So you wake up at Donnie 20 Brown's house. How did you get there? 21 A. I drove my motorcycle. 22 Q. You drove a motorcycle to Donnie Brown's 23 house? 24 A. Yeah.</p>
<p style="text-align: right;">Page 67</p> <p>1 MR. DITRAPANO: Yeah. Sure. 2 (Break in proceedings.) 3 (Mr. Forbes present.) 4 BY MR. RUGGIER: 5 Q. Let's go to May 1st of 2020, the day 6 before the arrest. Do you know what you did that 7 day? Do you remember anything about that day? 8 A. Not really. 9 Q. You don't have any idea what you were 10 doing, what was going -- 11 A. I don't really remember. 12 Q. All right. Let's go to May 2nd. Do you 13 remember May 2nd at midnight, the start of the day? 14 A. No. I remember waking up May 2nd around 15 8:30. 16 Q. You woke up on May 2nd at about 8:30 17 where? 18 A. Donnie's house. I left to go get parts 19 for another motorcycle I had gotten. 20 Q. At whose house? 21 A. At Donnie's house. Donnie Brown. 22 Q. Who all stayed there that night? 23 A. I don't even really remember. I fell 24 asleep on the couch.</p>	<p style="text-align: right;">Page 69</p> <p>1 Q. The day before or what? 2 A. Yeah. 3 Q. Do you know? Are you just saying that, or 4 do you remember? 5 A. Yeah, the day before. 6 Q. What time did you get to Donnie Brown's 7 house? 8 A. I don't really remember. It was in the 9 evening time. 10 Q. Why did you stay there? 11 A. Because I was wore out. 12 Q. Why were you wore out? 13 A. I don't remember really. I was just 14 tired. 15 Q. What's that? 16 A. I said, I don't really remember. I was 17 just tired. 18 Q. Did you all do any drugs that night? 19 A. No. Donnie doesn't do drugs. 20 Q. Did you all drink any alcohol? 21 A. No. 22 Q. Did you smoke any pot? 23 A. No. 24 Q. Take any pills, or anything like that?</p>

Page 70

1 A. No. I just crashed out.
 2 **Q. Do you know what time you arrived?**
 3 A. No. I don't remember.
 4 **Q. So you wake up at Donnie Brown's house**
 5 **that morning -- are you all right? Are you going**
 6 **to be able to do this?**
 7 A. I don't know.
 8 MR. FORBES: You're in a lot of pain
 9 obviously.
 10 THE WITNESS: Yeah. I've got to get dug
 11 out. I mean, it's (untranslatable sound) ...
 12 A. What was the question again?
 13 MR. FORBES: Let's take a break for a
 14 second. Then --
 15 MR. RUGGIER: Why don't you all figure --
 16 MR. FORBES: Yeah.
 17 Yeah. Let's -- why don't you come and
 18 talk to me and Dante for a minute? Let's take
 19 a break and see if we can keep going or not.
 20 (Break in proceedings.)
 21 (Mr. diTrapano not present.)
 22 BY MR. RUGGIER:
 23 **Q. So you were at Dan Brown's -- Don Brown's**
 24 **house -- is it Dan or Don?**

Page 71

1 A. Donnie.
 2 **Q. -- Donnie Brown's house the night before.**
 3 **You spent the night there. Do you remember anybody**
 4 **else that spent the night there?**
 5 A. (Shaking head.)
 6 **Q. Don Brown was there?**
 7 A. Yeah.
 8 **Q. And you wake up about 8:30?**
 9 A. Yeah.
 10 **Q. And why do you wake up at 8:30?**
 11 A. Because I was supposed to be at Ronnie
 12 Blizzard's house getting clutch cables for another
 13 bike that I was working on.
 14 **Q. Supposed to be at Ronnie Blizzard's house?**
 15 A. Yeah.
 16 **Q. Do you know Ronnie Blizzard's number?**
 17 A. No.
 18 **Q. And what were you getting?**
 19 A. Clutch cables for another bike I was
 20 working on.
 21 **Q. Where does Ronnie Blizzard live?**
 22 A. On Trace Fork.
 23 **Q. He lives on Trace Fork?**
 24 A. Yeah.

Page 72

1 **Q. Do you know where on Trace Fork?**
 2 A. No. I don't know the address. It's just
 3 on Trace Fork.
 4 **Q. So you wake up, and what do you do? Get**
 5 **on a bike?**
 6 A. Yeah.
 7 **Q. What bike do you get on?**
 8 A. The CBR.
 9 **Q. Okay. And what do you do?**
 10 A. I head to Trace Fork.
 11 **Q. When you got on the bike that day, you**
 12 **knew that you did not have a driver's license?**
 13 A. Yeah.
 14 **Q. And you knew that the bike was not**
 15 **registered?**
 16 A. Yeah.
 17 **Q. You knew that you shouldn't be riding the**
 18 **bike that day?**
 19 A. Yeah.
 20 **Q. And you knew you were operating the bike**
 21 **illegally?**
 22 A. Yeah.
 23 **Q. So why did you operate the bike when you**
 24 **knew it was illegal?**

Page 73

1 A. Because I needed to go get the parts and
 2 wasn't thinking.
 3 **Q. What's that?**
 4 A. I wasn't really thinking. I needed to go
 5 get the parts.
 6 **Q. You wanted to get the parts, and there was**
 7 **no other way for you to get the parts other than**
 8 **get on the bike and --**
 9 A. Yeah.
 10 **Q. Ronnie was giving you some clutches --**
 11 **clutch cables?**
 12 A. Clutch cables, yeah.
 13 **Q. Was he giving them to you, or you were**
 14 **buying them, or what?**
 15 A. He was giving them to me.
 16 **Q. They were clutch cables that you were**
 17 **going to put on what?**
 18 A. Another bike.
 19 **Q. Which bike?**
 20 A. A Honda Shadow.
 21 **Q. Were they clutch cables for what bike?**
 22 A. For a Honda Shadow.
 23 **Q. He was just giving them to you?**
 24 A. Yeah.

<p style="text-align: right;">Page 74</p> <p>1 Q. How come?</p> <p>2 A. Because I needed them, and he had them.</p> <p>3 Q. Well, was he giving them to you rather</p> <p>4 than selling them to you, or is he a friend of</p> <p>5 yours, or what?</p> <p>6 A. Yeah. He was a friend of mine. I had</p> <p>7 given him parts before.</p> <p>8 Q. Okay. Was it one clutch cable? Two</p> <p>9 clutch cables?</p> <p>10 A. It was a clutch cable, one clutch cable.</p> <p>11 Q. For what?</p> <p>12 A. For a Honda Shadow.</p> <p>13 Q. Yeah. For what clutch? I guess for</p> <p>14 where? Is there just one clutch on Honda Shadows?</p> <p>15 A. There's just one clutch on any bike.</p> <p>16 Q. All right. So Dan Brown -- or Don Brown,</p> <p>17 where does he live?</p> <p>18 A. Kanawha State Forest.</p> <p>19 Q. All right. So how do you -- you leave Don</p> <p>20 Brown's house from where and -- what -- you get on</p> <p>21 Corridor G? Is that what you do?</p> <p>22 A. Yeah. You go to Davis Creek and</p> <p>23 Corridor G, 119.</p> <p>24 Q. You go from Davis Creek Road to 119?</p>	<p style="text-align: right;">Page 76</p> <p>1 A. A lot.</p> <p>2 Q. What's that?</p> <p>3 A. Quite a few.</p> <p>4 Q. Is Ronnie employed?</p> <p>5 A. Yeah. He works at Blizzard's Custom</p> <p>6 Cycles.</p> <p>7 Q. Okay. Where is that?</p> <p>8 A. On Davis Creek.</p> <p>9 Q. Is Blizzard's Custom Cycles still</p> <p>10 operating?</p> <p>11 A. Yeah.</p> <p>12 Q. All right. So what happens next?</p> <p>13 A. I turn off of 119 and get on Trace Fork.</p> <p>14 That's when I noticed -- when I turned onto Trace</p> <p>15 Fork is when I noticed the officer behind me.</p> <p>16 Q. You noticed the officer behind you</p> <p>17 whenever you turn off of 119 to go onto Trace Fork?</p> <p>18 A. When I turned off the road to turn onto</p> <p>19 Trace Fork.</p> <p>20 Q. Okay. How did you notice the officer</p> <p>21 behind you?</p> <p>22 A. It was a switchback turn.</p> <p>23 Q. When you noticed the officer, was the</p> <p>24 officer's lights or siren on?</p>
<p style="text-align: right;">Page 75</p> <p>1 A. Yeah.</p> <p>2 Q. All right. And so you get on your bike</p> <p>3 and you head towards Ronnie Blizzard's house?</p> <p>4 A. Yeah.</p> <p>5 Q. And so you get on 119, headed south on</p> <p>6 119?</p> <p>7 A. I don't know which way I was heading. I</p> <p>8 was heading towards Trace Fork out past Walmart.</p> <p>9 Q. Away from Charleston?</p> <p>10 A. Yeah.</p> <p>11 Q. All right. So you pass Walmart. When are</p> <p>12 you going to turn to get on Trace Fork Road, do you</p> <p>13 know?</p> <p>14 A. The -- it's the -- I don't know what it's</p> <p>15 called.</p> <p>16 Q. What's that?</p> <p>17 A. I don't know what the road -- the name of</p> <p>18 the road is called. It's like the second exit past</p> <p>19 Walmart.</p> <p>20 Q. Had you been out to Ronnie Blizzard's</p> <p>21 house before?</p> <p>22 A. Yeah.</p> <p>23 Q. How many times had you been out to Ronnie</p> <p>24 Blizzard's house?</p>	<p style="text-align: right;">Page 77</p> <p>1 A. No.</p> <p>2 (Mr. diTrapano enters the room.)</p> <p>3 Q. Okay. So what do you do?</p> <p>4 A. I continue to go.</p> <p>5 Q. What's that?</p> <p>6 A. I said, I continue on my way.</p> <p>7 Q. Just keep on driving because there's no</p> <p>8 lights and siren?</p> <p>9 A. Yeah.</p> <p>10 Q. Are you concerned?</p> <p>11 A. A little bit. He's following really</p> <p>12 aggressive, making me nervous, making me feel like</p> <p>13 he's going to wreck me.</p> <p>14 Q. Were you also concerned because you know</p> <p>15 you're operating the bike illegally?</p> <p>16 A. No.</p> <p>17 Q. Is it your testimony that it's not a</p> <p>18 concern for you --</p> <p>19 A. I wasn't concerned.</p> <p>20 Q. What's that?</p> <p>21 A. I wasn't concerned.</p> <p>22 Q. Let me just finish my question.</p> <p>23 A. All right.</p> <p>24 Q. Is it your testimony that you were not</p>

<p style="text-align: right;">Page 78</p> <p>1 concerned when the police officer was behind you 2 despite the fact that you were operating the bike 3 without a license, without insurance, and was not 4 properly registered? 5 MR. FORBES: Objection to form. 6 You can go ahead and answer if you 7 understand. 8 A. I wasn't concerned. 9 Q. What's that? 10 A. I wasn't concerned. 11 Q. How come? 12 A. I didn't think he was going to pull me 13 over, or didn't think he was going to try. They 14 usually leave you alone. 15 Q. Describe what you mean by he was 16 aggressively behind you. 17 A. Meaning as in if I would have hit my 18 brakes, he would have rammed me. 19 Q. All right. So when you pull off -- you 20 are driving, and the officer is right behind you, 21 aggressively driving behind you, and then what 22 happens next? 23 A. I continue to go until the other officer 24 pulled out in front of me -- or not really in front</p>	<p style="text-align: right;">Page 80</p> <p>1 officers that you were going to stop -- 2 A. Yeah. 3 Q. Just let me finish my question. 4 You were trying to signal to the police 5 officers that you were going to stop your bike, but 6 you could not properly stop because the cruiser was 7 too close to you? 8 A. Yeah. 9 Q. Why didn't you just slow down? 10 A. I was going slow. I was going below the 11 speed limit. 12 Q. I understand, but you could have slowed -- 13 why could you not have slowed down and just pulled 14 over to the side of the road? 15 A. You can, but when somebody is that 16 aggressive on a motorcycle, you kind of tend to 17 want to not eat the pavement. You know what I 18 mean? You go to just hit your brakes and somebody 19 is that close to you -- I mean, he was aggressively 20 close, like literally. 21 Q. So the reason you couldn't stop was 22 because the police officer behind you was being too 23 aggressive? 24 A. Way too close to me.</p>
<p style="text-align: right;">Page 79</p> <p>1 of me, he pulled out behind me, but ... 2 Q. What do you mean you continue to go until 3 the other officer pulled behind you? So you know 4 there's two cop cars behind you? 5 A. Yeah. 6 Q. Are either of those police officers -- do 7 either of them have their lights or siren on? 8 A. Not at the moment. 9 Q. Were you concerned yet that there are two 10 police cruisers behind you now? 11 A. Not real- -- a little bit, I'm concerned, 12 because he's still too aggressive. 13 Q. Did you think to pull over at this point 14 when there were now two police -- 15 A. Yeah. I continued to signal, throw my 16 hands up, trying to let him know that I was going 17 to stop and pull over, but he was too aggressive. 18 If I would have hit my brakes, he would have rammed 19 me. He would have took me out. 20 Q. So you're saying that you continued to 21 signal -- that you were trying to signal -- 22 A. Tapping brakes. I mean, throw my hand up 23 (indicating) to stop, I'm saying. 24 Q. So you were trying to signal to the police</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. So your response to the officer being 2 behind you is to keep driving? 3 A. Yeah. If -- to my knowledge, you're 4 supposed to be able to pull over when you feel 5 comfortable. I mean, comfortable spot, comfortable 6 setting. But there was no way that I could have 7 pulled over. There was no way I could have 8 actually hit the brakes and slowed down to stop 9 without him taking me out. 10 Q. You didn't feel comfortable pulling over, 11 and so you did not? 12 A. Not at the time. I wasn't being signaled 13 to either. 14 Q. What's that? 15 A. I said, he didn't have his lights on 16 signaling me to pull over either. I was actually 17 trying to find out what was going on. 18 Q. Neither of the police cruisers at this 19 time have on their lights or sirens? 20 A. Not at the moment. 21 Q. You're on a motorcycle. Why couldn't you 22 just pull off to the side of the road? 23 A. Again, that takes you hitting the brakes. 24 I mean, he was aggressive, and aggressive -- I'm</p>

<p style="text-align: right;">Page 82</p> <p>1 not saying aggressive by just -- he was so close --</p> <p>2 literally so close to my back tire that he could</p> <p>3 have taken me out at any point in time. You know</p> <p>4 what I mean?</p> <p>5 Q. How close was the cruiser to your back</p> <p>6 tire?</p> <p>7 A. Way too close. Six inches, eight inches</p> <p>8 at the most.</p> <p>9 Q. You couldn't just gradually slow down --</p> <p>10 A. No.</p> <p>11 Q. -- so --</p> <p>12 A. I mean --</p> <p>13 Q. -- you would not have to hit the brakes?</p> <p>14 A. No. You can't really -- you can't really</p> <p>15 stop without hitting the brakes.</p> <p>16 Q. Well, you can slow down to the point --</p> <p>17 A. I was going sl- -- I was going below the</p> <p>18 speed limit.</p> <p>19 Q. Well, but you can still go lower than the</p> <p>20 speed limit.</p> <p>21 A. But not without actually hitting your</p> <p>22 brakes.</p> <p>23 Q. Well, the motorcycle will glide to a slow</p> <p>24 stop?</p>	<p style="text-align: right;">Page 84</p> <p>1 MR. FORBES: Objection to the form of the</p> <p>2 question.</p> <p>3 A. As aggressive as he was being, I was</p> <p>4 actually nervous. I was worried for my own</p> <p>5 well-being. Like literally, he attempted to wreck</p> <p>6 me -- I mean, a couple times before any of this</p> <p>7 happened. I mean, it's like you be on a motorcycle</p> <p>8 and have somebody six inches away from your back</p> <p>9 tire. You're not going to want to stop for</p> <p>10 anything. You're going to be scared. You're going</p> <p>11 to be afraid that this person is going to take you</p> <p>12 out. I mean --</p> <p>13 Q. Sure. I understand.</p> <p>14 But my question relates to whether you</p> <p>15 could have just glided --</p> <p>16 A. Pulled --</p> <p>17 Q. -- to a stop.</p> <p>18 A. -- over?</p> <p>19 Q. Yeah.</p> <p>20 A. Not really. Not as aggressive as he was</p> <p>21 being. If I would have hit my brakes to stop and</p> <p>22 pull over -- you have to hit your brakes to stop,</p> <p>23 period.</p> <p>24 Q. Well, if you --</p>
<p style="text-align: right;">Page 83</p> <p>1 A. No. It will continue to go as long as</p> <p>2 it's in gear. I mean ...</p> <p>3 Q. Did you have the ability to take the</p> <p>4 motorcycle from being in gear --</p> <p>5 A. To out of gear? Yes, I did.</p> <p>6 Q. Out of gear, correct.</p> <p>7 And if you could shift from being in gear</p> <p>8 to neutral, then the motorcycle would slowly glide</p> <p>9 to a stop, correct?</p> <p>10 A. Depending on where you're at. I mean ...</p> <p>11 Q. If you're on a straight stretch, if you</p> <p>12 put the motorcycle -- if you shift it from in</p> <p>13 gear --</p> <p>14 A. Are you going uphill or downhill?</p> <p>15 Q. What's that?</p> <p>16 A. Are you going uphill or downhill?</p> <p>17 Q. Well --</p> <p>18 A. It depends on the grade of the road</p> <p>19 honestly.</p> <p>20 Q. But there's -- were there spots at this</p> <p>21 point where we are in this pursuit, or however you</p> <p>22 want to call it, where you could have just shifted</p> <p>23 out of gear, put it in neutral, and slowly glided</p> <p>24 to a stop?</p>	<p style="text-align: right;">Page 85</p> <p>1 A. No, not -- have you ever ridden a</p> <p>2 motorcycle?</p> <p>3 Q. I've rode motorcycles a lot --</p> <p>4 A. Well, I mean -- okay. Well --</p> <p>5 Q. So here's what you could have done -- and</p> <p>6 tell me if I'm wrong -- was, you're in gear and</p> <p>7 you're driving, and you want to slow down without</p> <p>8 hitting your brakes. You're going to put it in</p> <p>9 neutral --</p> <p>10 A. And coast.</p> <p>11 Q. -- and you could coast --</p> <p>12 A. Okay.</p> <p>13 Q. -- to a point. If you're going downhill,</p> <p>14 no, that's not -- you're not going to stop, but if</p> <p>15 you're going uphill, you are going to stop.</p> <p>16 So my question would be -- is, why not</p> <p>17 just do that which would allow you to --</p> <p>18 A. Why not turn your lights on and tell --</p> <p>19 MR. FORBES: Objection --</p> <p>20 A. -- me to pull over?</p> <p>21 Q. If you would just -- it would just allow</p> <p>22 you to stop without actually hitting your brakes.</p> <p>23 A. Okay. At this time, I wasn't being told</p> <p>24 to pull over either. There was no lights. So it</p>

Page 86

1 wasn't necessary for me to hit my brakes at the
 2 moment. I was wondering, Should I have hit my
 3 brakes? Yeah, I should have. I should have let
 4 him wipe me out earlier just because of how
 5 aggressive he was being. I mean, he was bullying
 6 me.
 7 **Q. And the reason you didn't stop your**
 8 **motorcycle was because the police cruiser was being**
 9 **very aggressive?**
 10 A. Very, very aggressive, without his lights
 11 on, and without signaling me to pull over.
 12 **Q. All right. So what road are we on now, do**
 13 **you know?**
 14 A. Emmons Road.
 15 **Q. We're on Emmons Road.**
 16 **And so what happens next?**
 17 A. Going out Emmons Road a little bit, and
 18 then he bumps the back of my back tire and slides
 19 me onto the tracks.
 20 **Q. It seemed like there were a lot of other**
 21 **roads that we got to before we got to Emmons**
 22 **Road --**
 23 A. Not really.
 24 **Q. Not really?**

Page 87

1 A. Trace Fork goes straight to -- it goes
 2 straight to Brounland, and then -- and the second
 3 cruiser pulled out on Brounland.
 4 **Q. Were you familiar with these roads back**
 5 **there?**
 6 A. Yeah.
 7 **Q. How come? How?**
 8 A. Because I used to ride them all the time.
 9 **Q. Why would you ride those roads all the**
 10 **time?**
 11 A. I don't know. I know a lot of people that
 12 lived out in Boone County.
 13 **Q. So you went from -- it goes from --**
 14 **what -- Trace Fork to Brounland to Emmons?**
 15 A. Yeah.
 16 **Q. And Emmons is where the accident happened?**
 17 A. Yeah.
 18 **Q. Prior to the accident -- take me to a**
 19 **little bit before the accident. What's happening?**
 20 **Where are you going? What's your speed? What are**
 21 **you thinking? What's going on?**
 22 A. I constantly obey the speed limit. I
 23 mean, I don't speed.
 24 **Q. What's that?**

Page 88

1 A. I usually go -- I constantly obey the
 2 speed limit. I usually go under the speed limit.
 3 Where I don't have a license, I mean, I don't like
 4 to bring attention to myself.
 5 **Q. Well, I'm talking about during this**
 6 **pursuit. Were you --**
 7 A. I never reached over 50 mile an hour the
 8 whole pursuit.
 9 **Q. You never reached over 50?**
 10 A. No.
 11 **Q. Did you reach 50?**
 12 A. No, not that I -- I don't think so.
 13 **Q. At the end of the pursuit --**
 14 A. Forty-five was the highest speed limit,
 15 I mean, on the road, on Brounland Road.
 16 **Q. How fast were you going directly prior to**
 17 **the accident?**
 18 A. What's the speed limit on 119?
 19 Fifty-five? Probably 50.
 20 **Q. Well, but I'm talking about when you're on**
 21 **Emmons about to wreck.**
 22 A. I had really sl- -- about 15, 20 mile an
 23 hour.
 24 **Q. You were doing 15, 20 miles an hour?**

Page 89

1 A. Coming onto the railroad crossing.
 2 **Q. What's that?**
 3 A. I was coming to a railroad crossing, and
 4 so you tend to slow down.
 5 **Q. There's a straight stretch -- and tell me**
 6 **if I'm wrong, but there's a straight stretch there**
 7 **on Emmons before the railroad crossing, and then**
 8 **there's a left-hand -- kind of a left-hand turn**
 9 **going up --**
 10 A. It's like an S-turn.
 11 **Q. What's that?**
 12 A. It's like an S-turn kind of.
 13 **Q. Yeah, kind of. That's what my**
 14 **recollection is.**
 15 A. Yeah.
 16 **Q. So how fast were you going on the straight**
 17 **stretch?**
 18 A. Not fast. There was a car in front of me.
 19 **Q. There was a car in front of you?**
 20 A. I'm pretty sure.
 21 **Q. Do you have any estimate of how fast you**
 22 **were going?**
 23 A. Probably 25, 30 mile an hour.
 24 **Q. When you're on that straight stretch, are**

<p style="text-align: right;">Page 90</p> <p>1 there two police cruisers behind you?</p> <p>2 A. To my knowledge, yeah.</p> <p>3 Q. Okay. Do either of the police cruisers</p> <p>4 have on their lights?</p> <p>5 A. Not that I recall. I don't really</p> <p>6 remember.</p> <p>7 Q. Do either of the police cruisers have on</p> <p>8 their siren?</p> <p>9 A. No. I never heard none.</p> <p>10 Q. Is it accurate to say that prior to your</p> <p>11 accident, you never heard any police officer's</p> <p>12 lights -- I'm sorry. Is it accurate to say that</p> <p>13 prior to your accident, you never heard any police</p> <p>14 officer's siren or saw any lights?</p> <p>15 A. No.</p> <p>16 Q. Is that accurate or inaccurate?</p> <p>17 A. Accurate.</p> <p>18 Q. So prior to the accident, you never saw a</p> <p>19 police officer try to pull you over?</p> <p>20 A. No.</p> <p>21 Q. Okay. So prior to the accident, you never</p> <p>22 were aware that a police officer was attempting to</p> <p>23 pull you over?</p> <p>24 A. No.</p>	<p style="text-align: right;">Page 92</p> <p>1 eyesight which would have somehow prevented you</p> <p>2 from seeing --</p> <p>3 A. No.</p> <p>4 Q. -- the police cruiser lights?</p> <p>5 A. No.</p> <p>6 Q. So you're driving 15 to 20 miles an hour.</p> <p>7 There's two police cruisers behind you. There's</p> <p>8 one car in front of you. And nobody has on any</p> <p>9 lights or sirens?</p> <p>10 A. Not that I recall.</p> <p>11 Q. Are you all right?</p> <p>12 A. Yeah.</p> <p>13 Q. You don't know who was in the car in front</p> <p>14 of you, do you?</p> <p>15 A. Huh-uh.</p> <p>16 Q. Did you have any -- you didn't have any</p> <p>17 way of calling anybody in your helmet, or anything</p> <p>18 like that?</p> <p>19 A. Huh-uh.</p> <p>20 Q. Is that a "no"?</p> <p>21 A. No.</p> <p>22 Q. All right. Did you have anything on your</p> <p>23 motorcycle? Were you carrying anything on your</p> <p>24 motorcycle, or anything of that nature?</p>
<p style="text-align: right;">Page 91</p> <p>1 Q. You just were aware that police officers</p> <p>2 were behind you, but you did not think those police</p> <p>3 officers were trying to pull you over?</p> <p>4 A. No.</p> <p>5 Q. Would there be any reason why you wouldn't</p> <p>6 be able to hear a siren?</p> <p>7 A. I had Bluetooth headphones, but --</p> <p>8 Q. You what?</p> <p>9 A. I had Bluetooth headphones on, but still</p> <p>10 it doesn't drown out all the noise. I mean --</p> <p>11 Q. At the time of the pursuit, were your</p> <p>12 Bluetooth headphones playing music?</p> <p>13 A. Yeah.</p> <p>14 MR. FORBES: Objection to form.</p> <p>15 Q. What's that?</p> <p>16 A. Yeah.</p> <p>17 Q. Yes?</p> <p>18 A. Yeah.</p> <p>19 Q. What were you listening to?</p> <p>20 A. I don't really remember. Just a playlist.</p> <p>21 Q. Was it like an Apple playlist or</p> <p>22 something?</p> <p>23 A. I don't ...</p> <p>24 Q. Do you have any problems with your</p>	<p style="text-align: right;">Page 93</p> <p>1 A. No.</p> <p>2 Q. Did you have a backpack?</p> <p>3 A. Yeah.</p> <p>4 Q. What was in your backpack?</p> <p>5 A. A set of brazing torches, and that's about</p> <p>6 it, I think. A birth certificate.</p> <p>7 Q. Brazing torches?</p> <p>8 A. Yeah.</p> <p>9 Q. Brazing, what's that?</p> <p>10 A. It's like a form of welding.</p> <p>11 Q. Okay. Can you spell it?</p> <p>12 A. B-R-A-Z-I-N-G.</p> <p>13 Q. Why did you have some brazing torches?</p> <p>14 A. Because I was brazing something for my</p> <p>15 grandpa.</p> <p>16 Q. What were you brazing for your</p> <p>17 grandfather?</p> <p>18 A. I don't really remember.</p> <p>19 Q. Why did you have it on you?</p> <p>20 A. Because it was -- I was taking it back</p> <p>21 home.</p> <p>22 Q. What's that?</p> <p>23 A. Because it was in my book bag.</p> <p>24 Q. You had some crystal meth on you?</p>

Page 94

1 A. No.
 2 **Q. Why did you -- why do you say that?**
 3 **Because there was crystal meth found.**
 4 A. No, there wasn't.
 5 MR. FORBES: Objection to the form.
 6 **Q. What's that?**
 7 A. No, there wasn't.
 8 **Q. Was there not?**
 9 **No crystal --**
 10 A. Not --
 11 **Q. -- methamphetamine --**
 12 A. -- that I --
 13 **Q. What's that?**
 14 A. Not that I know of. I didn't have
 15 anything on me.
 16 **Q. Okay. If the police report said that you**
 17 **had crystal methamphetamines on you, does that --**
 18 A. That doesn't mean anything. I didn't have
 19 anything on me.
 20 **Q. Do you know what the brand of brazing**
 21 **torch was?**
 22 A. No, I don't remember. It was Bernzomatic,
 23 or something like that. I don't remember the name
 24 of it.

Page 95

1 It actually broke. Me and Dante found a
 2 piece of it when we went out to the scene
 3 afterwards.
 4 **Q. What's that? You found a piece of the**
 5 **torch?**
 6 A. Yeah.
 7 **Q. And what do you mean they broke? Broke**
 8 **during the accident?**
 9 A. Yeah.
 10 **Q. All right. So these officers are behind**
 11 **you. There's a car in front of you. You're only**
 12 **going 15 to 20 miles an hour. And then you --**
 13 **what -- go to go up over the tracks?**
 14 A. Yeah. And he hits my rear tire.
 15 **Q. What's that?**
 16 A. Yeah. And he struck my rear tire and
 17 pushed me onto the tracks.
 18 **Q. The cruiser struck your rear tire?**
 19 A. Yeah.
 20 **Q. How do you know that?**
 21 A. Because I could feel it.
 22 **Q. Could it have been the tracks which**
 23 **caused --**
 24 A. No.

Page 96

1 **Q. -- you to wreck?**
 2 **Did you see the cruiser strike your tire?**
 3 A. I felt it.
 4 **Q. But you never saw it?**
 5 A. I felt it. Like I said, a feeling, yeah.
 6 **Q. You felt the cruiser strike your back**
 7 **tire --**
 8 A. Yeah.
 9 **Q. -- but you did not see the cruiser strike**
 10 **your back tire?**
 11 A. No, not necessarily.
 12 **Q. What did it feel like?**
 13 A. Like my tire had been pushed to the side.
 14 **Q. Like it had been pushed to the side?**
 15 A. Like getting a bump, you know, somebody
 16 bumps you (indicating).
 17 **Q. So what happens whenever he bumps you?**
 18 A. I slide on the tracks, and that's all I
 19 remember until I woke up.
 20 **Q. You slide on the tracks?**
 21 A. Yeah.
 22 MR. FORBES: You all right, Billy?
 23 THE WITNESS: My stomach is killing me.
 24 I'm like sweating.

Page 97

1 MR. RUGGIER: Can we still go forward or
 2 what?
 3 MR. FORBES: Do you want to keep going a
 4 few minutes?
 5 THE WITNESS: Yeah.
 6 MR. DITRAPANO: The nurse is coming at one
 7 o'clock, and your dad is on his way over here.
 8 So if you can go 10, 15 minutes, and then you
 9 can go and get this taken care of. Okay?
 10 THE WITNESS: All right.
 11 BY MR. RUGGIER:
 12 **Q. So you don't have any memory of anything**
 13 **once you were bumped?**
 14 A. Yeah. I remember everything going white
 15 (untranslatable sound).
 16 **Q. What's that? You remember everything**
 17 **going white?**
 18 A. Yeah.
 19 **Q. And did you -- your medical records say**
 20 **that you didn't lose consciousness?**
 21 A. Yeah. I lost consciousness.
 22 **Q. What's that?**
 23 A. Yeah. I lost consciousness. How do my
 24 medical records say that?

Page 98

1 **Q. I don't know, bud.**

2 A. That's crazy. It knocked me out. It
3 knocked the shit out of me. I went to roll over --
4 I was on my stomach -- or on my back, went to roll
5 over on my stomach and stand up, and I got kicked
6 back over on my back, laying in the mud.

7 **Q. What's that?**

8 A. I said, I was laying on my back, went to
9 roll over to stand up, and got kicked back onto my
10 back.

11 **Q. I thought that -- I thought you told me**
12 **you didn't remember -- when did everything go**
13 **white?**

14 A. When I landed and when I hit, after I slid
15 on the tracks, (untranslatable sounds), and I woke
16 up.

17 **Q. Right. You landed and hit. Do you**
18 **remember anything after that?**

19 A. Yeah. I just told you. I woke up. I
20 went to roll over -- I was on my back in the mud.
21 I went to roll over and stand up, and I got kicked
22 back onto my back. That's when they started macing
23 me, telling me they were going to leave me for
24 dead, and screaming they should have killed me.

Page 99

1 They grabbed me by the arms, jerked me across the
2 tracks, and I couldn't feel my legs after that.

3 **Q. Do you have memories of this, or is**
4 **this something --**

5 A. This is a straight memory I'm telling you.

6 **Q. Okay. It's not from watching the video?**

7 A. No.

8 **Q. All right. So you land -- were your back**
9 **tires hit? It was the back tire, right?**

10 A. Yeah. He hit my back tire.

11 **Q. He hit your back tire, and somehow that**
12 **causes the bike to what?**

13 A. Lose control and slide onto the tracks,
14 off the road.

15 **Q. And where do you land?**

16 A. In the stagnant water laying beside the
17 railroad tracks.

18 **Q. Okay. And what do you do when you land in**
19 **the stagnant water?**

20 A. I come to, and then go to roll over and
21 stand up, and I'm field goal kicked back on my
22 stom- -- on my back.

23 **Q. Did you actually see somebody field goal**
24 **kick you as you --**

Page 100

1 A. I felt it.

2 **Q. Do you know which officer field goal**
3 **kicked you?**

4 A. I have no clue. I was trying to get out
5 of the water. As soon as I got back on my back,
6 they started macing me and tasing me.

7 **Q. And I mean, is it -- your testimony is**
8 **that you're not really sure why this has happened**
9 **to you because no officer had actually turned on**
10 **their lights and siren at this point?**

11 A. Yeah.

12 **Q. So what are you thinking at this point?**

13 A. I'm thinking, Help me. I actually said --
14 gave them my name and birthdate -- after they get
15 done macing me and I can catch my breath, I give
16 them my name and my birthdate and my Social
17 Security number and told them that I was driving on
18 revoked. I asked them if they could help me.
19 That's when they drug me across the railroad
20 tracks.

21 **Q. You gave your name, birthdate, and Social**
22 **Security number?**

23 A. Yeah.

24 **Q. And said you were driving on a revoked; is**

Page 101

1 **that right?**

2 A. Yeah.

3 **Q. And their response was to drag you across**
4 **the railroad tracks?**

5 A. Tell me they should have left me for dead.

6 **Q. Would there be any reason to -- at this**
7 **point, in your estimation, to -- for the police**
8 **officers to know that you were paralyzed?**

9 MR. FORBES: Objection to the form of the
10 question --

11 A. No.

12 MR. FORBES: -- and assuming a fact that's
13 not in evidence.

14 A. No.

15 **Q. What's that?**

16 A. I wasn't paralyzed at the time. I could
17 actually -- I was on my -- I was standing -- going
18 to stand up when they field goal kicked me back on
19 my back and started macing me.

20 **Q. So your testimony is you weren't paralyzed**
21 **at that point?**

22 A. I wasn't.

23 **Q. How do you know that?**

24 A. Because I went to stand up. I -- I was

Page 102

1 kicking my feet.

2 **Q. Say that again?**

3 A. I was kicking my feet in the water trying
4 to get -- doing anything to try to keep from
5 drowning.

6 **Q. What did the officer say to you?**

7 A. We're going to leave you to die.

8 **Q. We're going to leave you to die.**

9 **What happens next?**

10 A. They drag me across the tracks, and that's
11 all I remember.

12 **Q. Were you in the water when you said to the**
13 **officers, Help me?**

14 A. Yeah.

15 **Q. What did you want the officers --**

16 A. I wanted them to get me out of the water.

17 **Q. You asked the officers to help you while**
18 **you were in the water?**

19 A. After they had kicked me back on my
20 stom- -- on my back.

21 **Q. Kicked you back on your stomach.**

22 **And at that point --**

23 A. They were macing me.

24 **Q. -- at that point, you don't think you were**

Page 103

1 **paralyzed?**

2 A. I know I wasn't. I was kicking my feet.

3 **Q. Why did you ask the officers to help**
4 **you --**

5 A. Because they were macing me. They didn't
6 want me to move.

7 **Q. What's that?**

8 A. They didn't want me to move. They wanted
9 me to stay in the water and drown.

10 **Q. So why did you ask them to help you?**

11 A. To get me out of the water to keep from
12 drowning.

13 **Q. What's that?**

14 A. To keep from drowning.

15 **Q. You were drowning in the water?**

16 A. Yeah. It was pretty deep.

17 **Q. At this point, you are able to move your**
18 **legs?**

19 A. Yeah, but I'm not allowed to move because
20 they told me not to.

21 **Q. So you think the officers were telling you**
22 **just to stay in the water and drown?**

23 A. That's exactly what was happening.

24 **Q. So the reason you were not moving was**

Page 104

1 **because the officers --**

2 A. They had guns drawn on me.

3 **Q. -- the reason you were not moving was**

4 **because the officers told you not to move, and they**
5 **had guns drawn on you?**

6 A. Yeah.

7 **Q. But you could move at that point?**

8 A. Yeah.

9 **Q. And how do you know that you could move?**

10 A. Because I was watching my legs kicking the
11 water.

12 **Q. All right. So you're in the water, and**
13 **the officer comes to help you?**

14 A. Not come to help me. They come to mace me
15 and tase me.

16 **Q. And mace you.**

17 **But do they take you out of the water?**

18 A. Eventually.

19 **Q. That's what you wanted, right?**

20 MR. FORBES: Objection.

21 **Q. You wanted the officers to take you out of**
22 **the water?**

23 A. I wanted them to not be macing me and
24 tasing me.

Page 105

1 **Q. Yeah. But I thought you --**

2 A. I wanted to not drown, yeah, and --

3 **Q. I thought earlier -- I thought you were**

4 **saying, I wanted the officers to take me out of the**
5 **water because I was drowning?**

6 A. Yeah, basically.

7 **Q. So what happens?**

8 A. They grab me by the arms and drag me
9 across the tracks. That's the last thing I
10 remember.

11 **Q. Is that what you wanted the officers to**
12 **do, take you out of the water?**

13 A. Not the way they did.

14 **Q. You wanted the officers to take you out of**
15 **the water, but you didn't want them to drag you**
16 **across the tracks --**

17 A. No.

18 **Q. -- like they did?**

19 A. No.

20 **Q. So what happens next?**


21 A. I don't remember.

22 I wake up 16 days later in the hospital.

23 **Q. You've got no memories after --**

24 A. No.

<p style="text-align: right;">Page 106</p> <p>1 Q. -- what -- being dragged across the 2 tracks? 3 A. No. 4 I remember saying, I can't feel my legs, 5 right before I fell out. 6 Q. What's that? 7 A. I remember saying, I can't feel my legs, 8 right before I fell out. 9 Q. Do you remember which officers were out 10 there arresting you? 11 A. I never seen the badges, never seen the 12 names. 13 Q. You don't know what their names were? 14 A. They didn't give me time. They maced me 15 as soon as they seen my face. They didn't even 16 take my helmet off. 17 Q. So they were macing you with your helmet 18 on? 19 A. Yeah. 20 Q. Did the mace go to your eyes? 21 A. Yeah. 22 Q. How did the mace go to your eyes if -- 23 A. Didn't have a visor. 24 Q. What's that?</p>	<p style="text-align: right;">Page 108</p> <p>1 MR. DITRAPANO: -- get -- relieve his 2 bowels. Why don't we go ahead and take a 3 break today and let him go get this taken care 4 of? 5 And then if you had some time on -- you 6 know, we've got -- tomorrow we've got the 7 police officers and the videographer. 8 Then if you had time on Wednesday to 9 finish the deposition, I could make him 10 available Wednesday. 11 MR. RUGGIER: Wednesday? 12 MR. DITRAPANO: Yeah. See what that looks 13 like. 14 I could even get him to your office and 15 make it easier on you. 16 MR. RUGGIER: Yeah. I appreciate it. 17 I can't. 18 MR. FORBES: What about Thursday? 19 MR. RUGGIER: I've got a hearing that day, 20 but maybe I can get somebody else to cover it 21 on Thursday. 22 MR. DITRAPANO: Let's talk tomorrow and 23 figure out -- and we can see if you can do 24 that and figure out -- you know, I'd like to</p>
<p style="text-align: right;">Page 107</p> <p>1 A. Didn't have a visor. 2 Q. You don't have a visor on your helmet? 3 A. Huh-uh. 4 Q. Is that a "no"? 5 A. No. 6 Q. Okay. Did you have any other eye gear on, 7 or anything like that? 8 A. No. 9 Q. Do you want to take a break? 10 A. Yeah. I'm about done. 11 MR. FORBES: What now? 12 THE WITNESS: I said, I'm about done. 13 MR. FORBES: Okay. 14 How much longer do you have? 15 MR. RUGGIER: I've still got to do some 16 damages stuff, and still some more with this. 17 I mean, my guess would be -- I don't know -- 18 it could be an hour. I don't know. 19 MR. FORBES: Yeah. 20 THE WITNESS: That's -- 21 MR. DITRAPANO: Why don't we -- because 22 he's got the nurses coming over to help him, 23 you know -- 24 MR. RUGGIER: Yeah.</p>	<p style="text-align: right;">Page 109</p> <p>1 get it done this week if we can. 2 MR. RUGGIER: Yeah. I'd be all about it. 3 I mean, I generally -- Friday, I've got a 4 mediation. So I can't do it Friday. 5 MR. FORBES: Well, let's look at it. I 6 mean, if you can't -- you know, if we can't 7 work out Thursday, we can look at next week, 8 too. 9 MR. RUGGIER: We're going to -- you know. 10 I'm still wrestling with this issue about the 11 investigation and what to do with the police 12 officers. And I understand that you all 13 noticed that deposition, and I understand all 14 those things, but I need to -- I want to 15 see -- we may be filing a motion. I'm not 16 sure. I'll let you guys know what our plan 17 is, and what we're going to do. 18 MR. DITRAPANO: Okay. 19 MR. FORBES: Just let us know. I mean, 20 we've obviously noticed the -- 21 MR. RUGGIER: You've got a videographer 22 and all that kind of coming, and I -- 23 MR. DITRAPANO: Yeah. 24 MR. RUGGIER: -- and I don't want you to</p>

<p style="text-align: right;">Page 110</p> <p>1 be stuck with an extra bill, or whatever that 2 is. 3 MR. FORBES: Well, we've got a tight time 4 frame on the expert issue. The scheduling 5 order, you know, is tight. 6 And I mean, you know, Billy is obviously 7 miserable here, but he's gone through this 8 today regardless of that misery in order to 9 try to do this. 10 I mean, we'd like to take the officers 11 tomorrow, but we understand. If you're going 12 to file a motion, we'll look at it. 13 MR. RUGGIER: Yeah, I understand. I mean, 14 I understand. 15 MR. FORBES: Yeah. 16 MR. RUGGIER: Frankly, I just don't -- I 17 don't think my guys will be able to testify 18 without fear of criminal prosecution. I 19 mean -- you know. I mean, I -- 20 MR. FORBES: And we don't have any control 21 over that. 22 MR. RUGGIER: Yeah. I understand. 23 MR. FORBES: I mean, if they -- I mean, 24 you know, obviously, I've done a lot of</p>	<p style="text-align: right;">Page 112</p> <p>1 we're going to do and what our position is on 2 it. 3 MR. DITRAPANO: Okay. 4 MR. FORBES: Okay. 5 MR. DITRAPANO: I mean, we may -- I don't 6 know -- yeah, just let us know as soon as you 7 can. If you file a motion, obviously we'll 8 see it come across and -- 9 MR. RUGGIER: Yeah. I'll let you know. 10 I'll -- 11 MR. FORBES: We're available. You can 12 give us a call later if you file it or -- 13 MR. DITRAPANO: Yeah. You've got my cell 14 number. 15 (Deposition adjourned at 12:51 p.m.) 16 17 18 19 20 21 22 23 24</p>
<p style="text-align: right;">Page 111</p> <p>1 criminal work. I understand the advice that 2 they should be getting and probably are 3 getting either from you or other counsel, 4 but -- 5 MR. RUGGIER: Yeah. 6 MR. FORBES: -- you know, this video is 7 what it is. 8 And we've got depositions set tomorrow. 9 We're going to go forward with them. 10 MR. RUGGIER: Yeah. I understand. We've 11 got to just do what we've got to do. 12 So I'm fine with being able to reconvene 13 this -- 14 MR. DITRAPANO: We'll be over at your 15 office tomorrow at 9:00 and see what's going 16 on, you know, with the depositions -- 17 MR. RUGGIER: Say it again. 18 MR. FORBES: We said 9:00 worked. 19 MR. RUGGIER: 9:00 a.m. tomorrow morning? 20 MR. FORBES: 9:00, yeah. 21 MR. DITRAPANO: Yeah, at 9:00. We'll be 22 at your office tomorrow at 9:00 for those 23 depositions. 24 MR. RUGGIER: I will let you know what</p>	<p style="text-align: right;">Page 113</p> <p>1 STATE OF WEST VIRGINIA, To-wit: 2 I, Lisa Kimberly Hall, a Notary Public and 3 Certified Court Reporter within and for the State 4 aforesaid, duly commissioned and qualified, do 5 hereby certify that the deposition of WILLIAM ALLEN 6 MEANS, was duly taken by me and before me at the 7 time and place specified in the caption hereof. I 8 do further certify that said proceedings were 9 correctly taken by me in stenotype notes, that the 10 same were accurately transcribed out in full and 11 true record of the testimony given by said witness. 12 I further certify that I am neither attorney or 13 counsel for nor related to or employed by, any of 14 the parties to the action in which these 15 proceedings were had, and further I am not a 16 relative or employee of any attorney or counsel 17 employed by the parties hereto or financially 18 interested in the action. My commission expires 19 the 16th day of July 2025. Given under my hand and 20 seal this 12th day of April 2021. 21 22  23 Lisa K. Hall 24 Notary Public Certified Court Reporter</p>

<hr/> \$ <hr/>	2010 8:6 32:3, 15	60:20 66:15 67:12,13,14, 16	8:30 67:15,16 71:8,10	39:1 90:10,12, 16,17
\$100 13:17	2011 31:21,23		8th 33:1	addict 34:1,4, 6,11,15,17
\$500 13:20,23	2015 12:5 17:15,19 31:19	<hr/> 3 <hr/>	<hr/> 9 <hr/>	37:6 39:7,15, 20 40:7,19,22, 23,24 41:1
<hr/> 1 <hr/>	2016 16:15 31:3,7,9,16	3- 13:22	96 51:24	addicts 39:9
10 97:8	2017 12:6,7 16:13	30 89:23	9:00 111:15, 18,19,20,21, 22	address 6:11 8:11 9:6 10:16,18 12:10,12,13 46:10 72:2
119 74:23,24 75:5,6 76:13, 17 88:18	2018 16:11 29:24 30:11	300 14:4	<hr/> A <hr/>	
11th 32:15	2019 16:7 26:18 29:10, 14,16	304-964-1431 7:11	a.m. 111:19	adjourned 112:15
12:51 112:15	2020 15:20,21, 22 16:2 29:3 57:9,15 59:21 60:20 66:15 67:5	<hr/> 5 <hr/>	abandoned 27:15,17 28:11	adopted 23:11
13th 31:19	2021 16:4	50 88:7,9,11, 19	ability 5:9 83:3	advice 111:1
14th 32:3	21st 33:17	500 13:22 44:2	Absolute 7:9, 12,15 18:3	affect 5:8
15 19:18 44:7 88:22,24 92:6 95:12 97:8	22nd 29:3 31:21	5th 29:10,13 31:7	abuse 33:21	afford 40:3 45:6
16 105:22	23rd 31:23	<hr/> 6 <hr/>	accident 11:7 12:24 13:1,7, 19 14:3 15:19 16:23 18:8,11, 13,14,16 19:6 34:7,8,10,14, 23,24 35:5,8, 16,18,24 36:6, 12,18 37:1 38:4,7,11,17, 19 42:6 45:8 53:22 54:1,4 87:16,18,19 88:17 90:11, 13,18,21 95:8	afraid 84:11
165 6:8	25 89:23	600 47:1,2	abuse 33:21	aggressive 77:12 79:12, 17 80:16,23 81:24 82:1 84:3,20 86:5, 9,10
18 12:6,7	25th 26:17 31:3	6th 6:12 8:10	accident 11:7 12:24 13:1,7, 19 14:3 15:19 16:23 18:8,11, 13,14,16 19:6 34:7,8,10,14, 23,24 35:5,8, 16,18,24 36:6, 12,18 37:1 38:4,7,11,17, 19 42:6 45:8 53:22 54:1,4 87:16,18,19 88:17 90:11, 13,18,21 95:8	aggressively 78:16,21 80:19
19th 29:24	26 29:16	<hr/> 7 <hr/>	abuse 33:21	agree 60:15,19 61:8 62:18,22 63:2,17 64:21 65:2 66:13
1st 8:12 9:5 12:12,14 15:21 67:5	2615 6:12 8:10	<hr/> 8 <hr/>	accommodate 21:13	ahead 28:16 36:8 78:6 108:2
<hr/> 2 <hr/>	26th 30:11	744-1977 68:13	accurate 17:3	Albans 24:11
20 56:14 88:22,24 92:6 95:12	29th 31:9	8/25/89 6:1		
2000 4:16 19:7	2nd 4:16 36:1 57:9,15 59:21	803 9:7,8 10:15		
2005 43:20,23		821 8:12 9:5 12:12,14		
2009 8:6 33:1, 17				

alcohol 33:21 69:20	59:1 84:5	24:5	96:22 110:6	79:18,22
alive 20:11	attempting 90:22	backpack 93:2,4	birth 5:24 93:6	80:18 81:8,23
ALLEN 4:1	attention 63:10 88:4	badges 106:11	birthdate 100:14,16,21	82:13,15,22
allowed 103:19	attorney 4:14	bag 93:23	bit 37:20 42:5	84:21,22 85:8, 22 86:1,3
amazing 26:12	August 29:10, 13 30:11	barter 48:2	77:11 79:11	brand 94:20
anniversary 31:10,12	aunt's 45:15	basically 39:6, 8 43:3 105:6	86:17 87:19	brazing 93:5,7, 9,13,14,16
anytime 21:5	46:5,22,23	bathroom 41:12 66:24	black 50:20,21 51:7	94:20
Apple 91:21	Avenue 6:12	bed 51:11	Blizzard 71:21	break 5:2 21:2, 6,8 36:22
April 31:3,7 32:15 33:1,17	8:10,12 9:5	begin 4:18	Blizzard's 71:12,14,16	41:9,21 42:2
arise 40:5	12:12,14	beginning 41:19	75:3,20,24	63:21 66:23
arising 4:15	average 13:18 14:2	believed 66:1, 9	76:5,9	67:2 70:13,19, 20 107:9
arms 99:1 105:8	aware 56:16, 23 57:3,17	Bernzomatic 94:22	Bluetooth 91:7,9,12	108:3
Army 24:17,19	58:3 59:14,24	bike 43:14,16, 22 44:1,16,18	body 38:5,9,13	breaks 68:10
arrest 6:2 29:14 62:3,8, 13 67:6	60:3,11,22	46:24 47:16	book 93:23	breath 100:15
arresting 106:10	90:22 91:1	48:4 49:1,5,21	Boone 87:12	bring 40:11 88:4
arrived 70:2	B	50:6,8,11,21	boot 48:1	Brittany 23:8, 9,12,14,16,20
arson 29:4	B-R-A-Z-I-N-G 93:12	51:1,6,7,22	boss 10:17,19 11:5	24:1
asleep 67:24	back 21:8	52:2,9 54:4, 13,17,18	bowel 64:3	broke 95:1,7
asshole 19:1,2	24:16 31:17	57:23,24	bowels 41:11 108:2	brothers 21:17 22:13
assuming 101:12	32:19 41:17	71:13,19 72:5, 7,11,14,18,20,	boy 22:9,10, 18,19	brought 39:3
ASVABS 24:24	48:14,16,19	23 73:8,18,19, 21 74:15 75:2	boyfriend 45:15,16	Brounland 87:2,3,14
attempt 40:14 61:2	49:2,3 82:2,5	77:15 78:2	46:22,23	88:15
attempted 34:22 58:22	84:8 86:18	80:5 99:12	BP 17:8,9,11, 19	Brown 10:22 11:16,18
	87:4 93:20	bikes 43:12, 13,21 55:9	Bradley 9:22, 24 10:7	13:11 67:21
	96:6,10 98:4, 6,8,9,10,20,22	bill 110:1	brakes 53:19, 21 78:18	68:2,6,11 71:6 74:16
	99:8,9,10,11, 21,22 100:5	Billy 4:10,13 5:16 21:2		Brown's 11:9, 10,14 13:9
	101:18,19			14:6,15,23
	102:19,20,21			
	background			

16:24 17:2,18 68:20,22 69:6 70:4,23 71:2 74:20 bucks 19:18 bud 98:1 build 7:17 bullying 66:22 86:5 bump 96:15 bumped 97:13 bumps 86:18 96:16,17 bunch 5:14 business 11:12 15:10 68:14,15 buying 46:17 73:14	car 28:5,7,10, 21 30:17,19, 21,23 46:16, 18 47:24 89:18,19 92:8, 13 95:11 care 10:8,11, 14 97:9 108:3 caretaker 10:9 carry 32:22 carrying 32:23 92:23 cars 79:4 case 6:3 cash 16:19 Cashier 17:16 catch 100:15 caught 33:3 caused 95:23 Cautious 55:24 CBR 47:1,2 54:24 72:8 cell 112:13 cemeteries 15:2,4 certificate 93:6 chances 63:2, 17 characterization 36:16 charged 26:2 29:2 Charges 26:3	Charleston 4:15 6:10 9:11,12 11:4 75:9 child 22:7 choice 39:12, 13 choose 41:2 cigarettes 33:3,14 city 4:14 11:3 17:12 23:19 Civic 28:6 claim 25:10 claims 25:14, 16 classes 45:2,5 clean 48:14, 16,19 49:2,3 close 21:15 80:7,19,20,24 82:1,2,5,7 closed 64:10, 12 clue 6:8 15:23 28:18 100:4 clutch 71:12, 19 73:11,12, 16,21 74:8,9, 10,13,14,15 clutches 73:10 coast 85:10,11 color 51:15 comfort 37:3,4 comfortable 81:5,10	committed 66:2,10 Comp 25:13 company 7:7 25:8 complete 24:6 concealed 32:15,24 concern 77:18 concerned 49:16 77:10, 14,19,21 78:1, 8,10 79:9,11 concrete 41:13 consciousness 97:20,21,23 constantly 87:22 88:1 contact 23:20 continue 77:4, 6 78:23 79:2 83:1 continued 79:15,20 contracting 7:7,9,13,15,16 18:3 19:17 control 99:13 110:20 conversation 4:23 cop 32:21,22 79:4 cord 64:8 correct 17:3,	24 83:6,9 Corridor 74:21,23 couch 67:24 68:1 counsel 111:3 County 87:12 couple 4:18 9:1,3,4,17 11:17,24 12:18 13:14 26:3,5,15 30:4,9 84:6 court 4:3,22 cover 108:20 covered 19:22 57:8 crashed 70:1 crazy 98:2 Creek 74:22, 24 76:8 crime 26:2 66:2,10 crimes 26:15 criminal 26:1 110:18 111:1 cross 55:11, 19,22 56:2 crossed 55:8 crossing 55:14 89:1,3,7 crotch 44:4,6 cruiser 80:6 82:5 86:8 87:3 92:4 95:18 96:2,6,9
<hr/> C <hr/>				
cable 74:8,10 cables 71:12, 19 73:11,12, 16,21 74:9 call 4:10,11 13:24 17:21 44:3 45:14 83:22 112:12 called 4:2 11:5 33:4 48:8,10 75:15,18 calling 92:17 calls 13:12 Camel 51:24				

cruisers 79:10 81:18 90:1,3,7 92:7 crystal 58:19 59:1,6 93:24 94:3,9,17 cured 39:19 Custom 76:5,9 Cycles 76:6,9 <hr/> <p style="text-align: center;">D</p> <hr/> D-E-V-I-T-T 20:10 D-O-D-D 45:24 dad 6:14,19 7:4,12 14:9,13 17:22 18:17, 20 19:3,4 97:7 dad's 6:15 7:10 23:10,24 Daily 43:15,16 damages 107:16 Dan 70:23,24 74:16 dangerous 62:18,22 64:21 65:2 Dante 70:18 95:1 date 5:24 34:21 daughter 23:10 Davis 74:22,24 76:8	day 13:17 15:6,8,9 16:20,22 34:24 38:4,7, 11 42:6 45:8 67:5,7,13 69:1,5 72:11, 18 108:19 days 13:13,14 36:12 105:22 dead 98:24 101:5 deal 46:16 48:2 decent 26:10, 13 deep 103:16 depended 13:12 Depending 83:10 depends 83:18 deposition 108:9 109:13 112:15 depositions 111:8,16,23 describe 34:3 78:15 Devitt 20:6,8 die 102:7,8 differences 18:22,23 19:11 20:24 dig 15:2 64:2 digger 13:11 17:19 68:6	digging 11:9, 10 13:9 14:6, 16,23 16:24 17:2 68:16 digital 64:3 diploma 25:3 directly 88:16 dirt 43:12,13 disability 25:16 28:3 ditrapano 30:2 32:1 41:3 58:6,8,11 61:5,13,23 62:5,11,16 64:24 65:6 66:3,7,16 67:1 70:21 77:2 97:6 107:21 108:1,12,22 109:18,23 111:14,21 112:3,5,13 doctors 35:13 Dodd 45:20, 22,23 dollars 16:20, 22 19:15 Don 68:2,6 70:23,24 71:6 74:16,19 Donnie 10:22 11:14,16,18 13:9,10 14:6,7 15:9 16:17 67:21 68:3,10, 19,22 69:6,19 70:4 71:1,2	Donnie's 67:18,21 door 28:22 doors 28:12 downhill 83:14,16 85:13 drag 101:3 102:10 105:8, 15 dragged 106:1 drawn 104:2,5 drink 69:20 drive 9:7,9 42:12,14 49:24 50:2 57:4 58:1,4 68:17 driven 50:2 56:10 driver 61:21 driver's 7:24 8:3,5,8 72:12 driveway 48:12 driving 29:3,7, 10,14,24 30:1, 5,11 31:3,9 58:12 60:4 77:7 78:20,21 81:2 85:7 92:6 100:17,24 dropped 33:12 drove 68:21,22 drown 91:10 103:9,22 105:2	drowning 102:5 103:12, 14,15 105:5 drug 33:20 34:1,4,6,11, 15,17 35:14, 19 37:5,12 39:7,9,12,13, 15,20 40:7,19, 22,23,24 41:1 62:24 100:19 drug- 37:24 drugs 34:18, 20 35:1,6,9,24 36:5,11,18,24 37:7 38:12,17 39:10,16 40:3, 11,13 69:18, 19 Duane 4:11,13 41:3 68:9 dug 63:23 70:10 DUI 30:1 31:4, 10,16,19,21 44:23,24 45:2, 5 duly 4:2 Dunlop 53:11 Dunlops 53:10 <hr/> <p style="text-align: center;">E</p> <hr/> earlier 41:4 86:4 105:3 easier 108:15 easy 50:24 51:9
--	---	---	--	--

eat 80:17	4:5	26:17 29:16	flash 60:3	28:7 29:23
Edition 51:21, 23	exit 75:18	feel 77:12	Fleeing 29:16	30:16,18 94:3
educational 24:5	exits 30:2	81:4,10 95:21	Forbes 21:2	95:1,4
eighty 6:4	expelled 24:13,14,22	96:12 99:2	28:15 32:6,12	frame 110:4
elderly 28:1	experienced 43:9	106:4,7	36:7 40:8	Frankly 110:16
embezzlement 33:1,4,9	expert 110:4	feeling 96:5	41:20 42:3	Friday 109:3,4
Emmons 86:14,15,17, 21 87:14,16 88:21 89:7	Explain 51:10	feet 102:1,3 103:2	67:3 68:9,13, 15 70:8,13,16 78:5 84:1	friend 32:19 74:4,6
employed 7:4 10:5,7 12:21 13:2 16:24 17:5,13,18,20 27:24 76:4	extra 110:1	fell 67:23 106:5,8	85:19 91:14 94:5 96:22 97:3 101:9,12 104:20 107:11,13,19 108:18 109:5, 19 110:3,15, 20,23 111:6, 18,20 112:4, 11	front 78:24 89:18,19 92:8, 13 95:11
employment 19:22	eye 107:6	felt 96:3,5,6 100:1	Forest 68:17 74:18	funeral 31:2
end 88:13	eyes 106:20, 22	field 99:21,23 100:2 101:18	forever 23:21	Fuson 7:1,2
engaged 66:21	eyesight 92:1	Fifteen 19:15	Fork 71:22,23 72:1,3,10 75:8,12 76:13, 15,17,19 87:1, 14	<hr/> G <hr/>
enters 32:1 77:2	<hr/> F <hr/>	Fifty-five 88:19	form 28:15 36:7 40:8 58:8 61:6,14,16,23 62:5,11,16 64:24 66:4,16 78:5 84:1 91:14 93:10 94:5 101:9	gain 28:20
establish 14:5	F-U-S-O-N 7:3	figure 70:15 108:23,24	forward 97:1 111:9	gas 50:20 51:15
estimate 15:21 89:21	face 106:15	file 15:24 16:2, 4,6,11,13,15 110:12 112:7, 12	found 27:4,9	gave 25:1,2 46:20,24 100:14,21
estimation 101:7	fact 78:2 101:12	filed 4:15 16:12 25:10, 13,19,22		gear 83:2,4,5, 6,7,13,23 85:6 107:6
evening 69:9	fair 36:16 40:17	filing 109:15		general 7:16 19:17
Eventually 104:18	falling-out 18:10,12,21	find 81:17		generally 109:3
evidence 101:13	familiar 55:14 87:4	fine 4:12 41:10 111:12		girl 22:9,18
exact 34:21	family 21:15	finish 56:21 77:22 80:3 108:9		girlfriend 6:23 48:8,10
EXAMINATION	fast 88:16 89:16,18,21	Five-eleven 6:4		give 14:8 39:1 50:5 52:6 53:7 64:6,14 100:15 106:14 112:12
	father 17:24 18:6,9,10 19:8,10,13	five-minute 41:20		
	fear 110:18			
	February			

giving 73:10, 13,15,23 74:3	grandpa 93:15	87:19 103:23	hit 78:17 79:18 80:18 81:8 82:13 84:21, 22 86:1,2 98:14,17 99:9, 10,11	107:3
glad 4:20 5:3 21:6,13	grave 11:9,10 13:9,11 14:6, 16,23 15:7,10, 13,16 16:24 17:2,18 68:6, 15	hard 21:8 40:12 41:5		hundred 6:4 16:20,22
glide 82:23 83:8		head 11:11 13:15 15:5 16:8 19:19 53:15 71:5 72:10 75:3		<hr/> I <hr/>
glided 83:23 84:15	graves 15:2 17:2	headed 75:5	hits 95:14	idea 28:13,19 52:2 67:9
go-cart 49:10, 18 52:12	Great 68:12	heading 75:7,8	hitting 81:23 82:15,21 85:8, 22	ignition 28:12
Go-mart 33:2, 10	Greenbrier 46:9	headphones 91:7,9,12	hold 14:15 46:11	illegal 35:24 36:5 38:17 58:3 59:14,24 62:24 72:24
goal 99:21,23 100:2 101:18	guess 11:1,2 17:8 21:1 36:9 54:19 59:10, 12 60:24 61:7, 24 62:17 63:20 74:13 107:17	hear 91:6	home 63:23 93:21	illegally 72:21 77:15
good 26:10 37:20,23 40:10 41:8 59:10,12	guns 104:2,5	heard 90:9,11, 13	homeless 11:20,21,23 12:8,17	inaccurate 90:16
gotcha 51:14 64:4	guy 68:7	hearing 108:19	Honda 28:6 47:3,5 73:20, 22 74:12,14	inches 82:7 84:8
government 10:12	guys 109:16 110:17	height 6:3,5,6	honestly 83:19	incident 4:16 26:18 29:19
grab 105:8	<hr/> H <hr/>	heightened 63:7,9	hospital 64:17 105:22	incidents 26:15
grabbed 99:1	hand 79:22	held 12:23	hour 19:14,15, 18 41:3 88:7, 23,24 89:23 92:6 95:12 107:18	include 37:10, 12
grade 24:7,8, 23 83:18	handi- 40:11	Helen 8:16,18, 19	house 15:3 46:13 67:18, 20,21 68:20, 23 69:7 70:4, 24 71:2,12,14 74:20 75:3,21, 24	increase 63:3, 18
gradually 82:9	handicapped 39:21,24 40:7	helmet 92:17 106:16,17 107:2	huh-uh 5:10 28:23 29:9 31:15 35:4 92:15,19	indicating 41:13 79:23 96:16
grandfather 93:17	hands 37:8 39:5 79:16	heroin 38:3		indifference 29:17
grandma 8:24 9:18,19 10:3,5 12:15,16	happened 4:16 15:19 26:24 30:15 54:10 84:7 87:16 100:8	Hey 68:9		individual 62:3,8,13 63:19 64:22 65:3,8,12,16, 20 66:1,9
grandma's 12:10,14		high 24:6,8 25:3 40:4 62:13,19,23 63:3,13,19 64:22 65:4		
grandmother 8:14	happening	highest 88:14		
		history 19:22 26:1		

individuals 63:18 64:22 65:3	job 12:23 17:8	46:24 48:2	102:7,8	list 5:13
infection 40:10,11	jobs 13:6	51:20 53:8	left 67:18 101:5	listening 91:19
infections 39:24 40:3,4	Joe 51:21,22, 24	54:23 64:14	left-hand 89:8	literally 80:20 82:2 84:5
influence 5:7	join 24:17,19	80:16 89:8,12, 13 109:22	legs 99:2 103:18 104:10 106:4,7	live 6:9,13,22 8:13,23 9:6, 14,16,19 10:16 11:16, 19 12:9,16 20:13 23:4,6, 16,18 24:2 71:21 74:17
information 28:20	K	knew 14:13 61:24 72:12, 14,17,20,24	Leslie 27:19, 22,24	lived 6:17,19 9:18 12:15,19 87:12
initiate 66:14	K-A-V-A-N 22:15	knocked 98:2, 3	Leslie's 27:20	lives 23:24 27:22 46:8 68:2 71:23
injured 25:6	Kanawha 17:12 23:19 68:17 74:18	knowledge 81:3 90:2	license 8:1,3, 5,8 27:7 29:4, 11,14 30:12 31:4 32:16 42:7,9 44:10, 14,20 45:1,3,4 47:9,12,14,18, 21 48:20,23 49:3 56:17,24 57:9,12 61:3, 10,22 62:15 65:9,13 72:12 78:3 88:3	living 8:10 11:18
injury 64:9	Kavan 21:22 22:15 23:22	L	life 40:16 42:16 43:5	located 9:10 14:24
insurance 25:7 57:14,18, 21 65:17 78:3	keys 28:12,21	L-A-C-Y 8:21	lights 60:4,12 76:24 77:8 79:7 81:15,19 85:18,24 86:10 90:4,12, 14 92:4,9 100:10	lockbox 32:21
insure 57:24	kick 99:24	labor 19:17,18	limit 80:11 82:18,20 87:22 88:2,14, 18	locked 55:1
Internet 14:21	kickback 46:17	Lacy 8:16,18, 19,21	liner 51:11,12	lodge 61:13
intravenous 37:12,22	kicked 98:5,9, 21 99:21 100:3 101:18 102:19,21	land 99:8,15, 18	lining 50:22 51:8,10	long 6:17,19 7:12 8:23 9:16 11:16,23 12:16 16:12 18:18 20:19 41:6 49:5 83:1
intravenously 37:16,18	kicking 102:1, 3 103:2 104:10	landed 98:14, 17		looked 51:20 54:18 68:10
investigation 109:11	kid 22:2 23:24 42:19	larceny 33:5, 12,17		loose 64:10
issue 109:10 110:4	kids 20:3 23:23	law 48:8		
issues 26:6	killed 98:24	lawsuit 4:15 25:19		
IV 35:14,19	killling 96:23	lawsuits 25:22		
J	kind 13:4 25:10 28:5 35:24 36:24 37:7 38:8,12, 17 43:4 44:1	laxatives 64:7		
jail 32:8 44:16, 18		lay 21:8 41:22 63:23		
January 15:21 29:3 31:16,23		laying 13:4 98:6,8 99:16		
jerked 99:1		learned 43:2		
		leave 74:19 78:14 98:23		

lose 44:16,18 97:20 99:13	77:12	64:23 93:24 94:3	money 15:20 25:7 33:10 39:21,23 40:1	12 84:7 85:2 86:8 92:23,24
lost 14:18 97:21,23	March 31:9	methampheta	month 6:18 34:22	motorcycle's 61:10
lot 30:17,18 70:8 76:1 85:3 86:20 87:11 110:24	marijuana 31:7 32:4	mine 59:2 94:11	months 9:1,3, 4,17 11:17 18:19 19:8 32:4,9 49:6	motorcycles 42:17,24 43:11 55:17, 20 56:13 60:22 85:3
lots 50:24	married 20:1	methampheta	morning 70:5 111:19	move 103:6,8, 17,19 104:4,7, 9
Loudendale 10:17,19,23 11:1 15:1 23:5 27:15,17 28:11,21 68:18	match 61:4,11	mines 38:5 58:17,20,23 59:19,22 62:4, 9,14,20 63:4, 13,19 65:4 94:17	mother 20:5 22:16	moved 6:21 27:23
lower 82:19	Matthew 21:22 22:23,24 23:2, 4,24	Michael 6:16	mother's 22:7 23:23	movement 64:3
<hr/> M <hr/>	Meaning 78:17	midnight 67:13	motion 109:15 110:12 112:7	moving 32:19 103:24 104:3
M-A-I-R-S 22:6	means 4:1,7,9 5:17,18 6:16 9:22,24 22:23, 24 23:24 48:16 49:21	mile 88:7,22 89:23	motor 49:9,17 52:12	mud 98:6,20
mace 104:14, 16 106:20,22	meant 16:7	miles 88:24 92:6 95:12	motorcycle 42:7,9,12,15 43:3,9 44:10, 13,19 45:1,3, 7,9 46:21 47:18,21 48:21,24 49:14 50:18 55:12 56:10, 17,24 57:4,5, 9,11,14,18 58:4 60:16,17, 19 61:2,11,21 62:15,19,23 63:3,13,18 64:23 65:4,8, 9,13,16,17,20, 21 67:19 68:21,22 80:16 81:21 82:23 83:4,8,	music 91:12
maced 106:14	mediation 109:4	mind 4:10		<hr/> N <hr/>
macing 98:22 100:6,15 101:19 102:23 103:5 104:23 106:17	medical 35:13 97:19,24	mine 59:10,12 64:10 74:6		names 21:21 106:12,13
made 15:20,21 58:17,19	medication 5:8 64:14	minute 70:18		nature 92:24
Mairs 22:2,6, 15 23:22,23 24:2	meds 5:12	minutes 97:4,8		necessarily 40:9,20 63:5,6 96:11
make 13:18,23 19:14 58:22 59:1,15,19,22 108:9,15	members 21:15	Miralax 64:16		needed 18:7 50:14 73:1,4 74:2
making 39:21, 23 40:1 62:4	memories 99:3 105:23	miserable 110:7		neighbor 27:4, 5,18
	memory 26:6, 10,12,13 30:7 97:12 99:5	misery 110:8		neighbor's 27:9
	mess 51:4	mobility 41:16		nervous 27:8 77:12 84:4
	meth 31:5 38:1,2,20 39:12 58:4,12 59:6,7,15	model 52:1		
		mom 20:22 32:20		
		mom's 22:2 45:15		
		moment 79:8 81:20 86:2		

neutral 83:8, 23 85:9 nice 41:24 night 35:5 67:22 69:18 71:2,3,4 Ninja 44:2 ninth 24:6,8,23 Nitro 8:12 nodding 11:11 13:15 15:5 19:19 noise 91:10 North 6:10 notice 76:20 noticed 76:14, 15,16,23 109:13,20 November 29:24 number 7:10, 22 10:1,3,4 11:14 14:8,17, 20 27:20 46:1, 5 48:5,9 49:2, 3,4 68:11 71:16 100:17, 22 112:14 nurse 97:6 nurses 64:1 107:22	object 32:6 58:6 61:5,23 62:5,11,16 64:24 66:3,16 objecting 61:16 objection 28:15 36:7 40:8 61:13 65:6 78:5 84:1 85:19 91:14 94:5 101:9 104:20 occasionally 13:8 17:23 38:21,23 October 31:19, 21 32:3 office 108:14 111:15,22 officer 26:19 60:16 61:2,15, 20 62:3,8,13 66:2,9,11,14 76:15,16,20, 23 78:1,20,23 79:3 80:22 81:1 90:19,22 100:2,9 102:6 104:13 officer's 61:9 76:24 90:11, 14 officers 79:6 80:1,5 91:1,3 95:10 101:8 102:13,15,17 103:3,21 104:1,4,21 105:4,11,14	106:9 108:7 109:12 110:10 older 28:3 online 68:11 open 28:12,22 operate 56:24 57:18 62:19, 23 72:23 operating 53:21,24 54:3 62:14 64:23 65:4 66:18 72:20 76:10 77:15 78:2 operation 11:12 operator 63:13 opioids 37:10 38:9 order 57:4 110:5,8 originally 51:16 54:7 owned 7:12 47:20 owns 7:7	pain 70:8 painted 50:21, 22 51:7 52:11, 15 60:23 61:3 pallbearer 31:2 paralyzed 40:18 101:8, 16,20 103:1 parked 48:12 parking 30:16, 18 50:24 parts 67:18 73:1,5,6,7 74:7 pass 75:11 passed 31:1 past 17:21 26:15 75:8,18 pavement 80:17 pay 16:17 47:23 63:10 paycheck 10:12 people 13:5 47:17,20 50:4 87:11 period 84:23 periodically 17:1 periods 41:6 person 28:1 84:11 personal 19:11 20:24	personnel 35:14 Peterson 66:14 petit 33:5,12, 17 phone 7:10 10:1,3 11:14 14:8,19 27:20 46:1,3,5 68:11 picked 52:4 piece 95:2,4 pills 37:24 69:24 pistol 32:20 Pitzer 23:8,9, 12 24:1 place 13:8 places 17:20 plan 109:16 plastics 51:20 plate 47:9,12, 14 48:20,23 49:3 61:3,10 plates 52:5,7 playing 91:12 playlist 91:20, 21 point 21:13 35:15 36:6 79:13 82:3,16 83:21 85:13 100:10,12 101:7,21 102:22,24 103:17 104:7
<hr/> O <hr/> oath 5:20 obey 87:22 88:1		<hr/> P <hr/> P-I- 23:12 P-I-T-Z-E-R 23:13 p.m. 112:15 paid 13:16 15:6,7,9,10,13 33:8 47:22		

<p>police 26:19 27:6 44:13 48:10 60:1,3, 11,16 61:1,9, 20 62:12 65:8, 12,16,20,24 66:8 78:1 79:6,10,14,24 80:4,22 81:18 86:8 90:1,3,7, 11,13,19,22 91:1,2 92:4,7 94:16 101:7 108:7 109:11</p> <p>position 112:1</p> <p>possess 59:15</p> <p>possession 31:7 32:3 59:18,21 62:9</p> <p>pot 69:22</p> <p>precursors 59:15,19,22 62:4</p> <p>present 42:3 67:3 70:21</p> <p>pretty 19:23, 24 55:14 89:20 103:16</p> <p>prevented 92:1</p> <p>previous 54:13</p> <p>previously 56:7</p> <p>principal 49:21</p> <p>prior 8:10 9:5 10:15 11:18 12:8 17:5</p>	<p>18:14,16 35:8, 24 36:5,12,18, 24 38:17,19 87:18 88:16 90:10,13,18, 21</p> <p>probable 66:20</p> <p>problems 91:24</p> <p>proceedings 42:2 67:2 70:20</p> <p>produce 4:23</p> <p>prone 40:10</p> <p>properly 53:21,24 54:3 56:24 57:3 65:21 78:4 80:6</p> <p>property 30:13</p> <p>prosecution 110:18</p> <p>prove 33:11</p> <p>proved 33:13</p> <p>Public 4:3</p> <p>pull 60:5,13,16 61:2,20 78:12, 19 79:13,17 81:4,16,22 84:22 85:20, 24 86:11 90:19,23 91:3</p> <p>pulled 30:4 32:21,23 44:12,15 78:24 79:1,3 80:13 81:7</p>	<p>84:16 87:3</p> <p>pulling 81:10</p> <p>Purple 51:17</p> <p>pursue 66:1,9</p> <p>pursuit 66:14, 21 83:21 88:6, 8,13 91:11</p> <p>pushed 95:17 96:13,14</p> <p>put 30:17,19 32:8 49:9,17 51:12 52:5,12, 18,19,22 53:4, 8 54:6,13,15, 23 73:17 83:12,23 85:8</p> <hr/> <p>Q</p> <hr/> <p>question 4:19 56:21 58:9 70:12 77:22 80:3 84:2,14 85:16 101:10</p> <p>questions 61:14 66:4</p> <p>quit 24:8,12 39:21,23 40:1, 2</p> <hr/> <p>R</p> <hr/> <p>railroad 55:8, 11,15,19,23 56:2,8,11 89:1,3,7 99:17 100:19 101:4</p> <p>raised 61:9</p> <p>rammed 78:18</p>	<p>79:18</p> <p>ran 27:1 48:9, 13,15</p> <p>reach 88:11</p> <p>reached 88:7,9</p> <p>real- 79:11</p> <p>rear 95:14,16, 18</p> <p>reason 40:6,18 80:21 86:7 91:5 101:6 103:24 104:3</p> <p>reasonable 60:15 61:1,8, 15,20 62:2,7, 12 65:7,11,15, 19,24 66:8,13, 17</p> <p>reasonableness 66:4</p> <p>recall 29:5 30:5 31:22 34:21 35:7 36:2 90:5 92:10</p> <p>received 33:6 48:3</p> <p>receiving/ transferring 31:24</p> <p>reckless 29:16</p> <p>recollection 29:13 89:14</p> <p>reconvene 111:12</p> <p>record 4:8</p> <p>records 97:19,</p>	<p>24</p> <p>recovering 34:2,3,17</p> <p>recovery 34:13,16</p> <p>rectum 64:10</p> <p>Red 15:3</p> <p>register 57:4</p> <p>registered 47:7 50:18 52:3 65:22 72:15 78:4</p> <p>registration 61:4,10 66:19</p> <p>regular 55:1 59:6</p> <p>related 5:17</p> <p>relates 84:14</p> <p>relationship 20:21</p> <p>relieve 108:1</p> <p>remain 56:5</p> <p>remember 10:18 12:20 20:18 26:9,16 29:6,7,12,17 31:6,8,14,17, 20 32:2,5,18 33:6 36:10,13 38:16 43:19 53:9 67:7,11, 13,14,23 69:4, 8,13,16 70:3 71:3 90:6 91:20 93:18 94:22,23 96:19 97:14, 16 98:12,18</p>
---	---	--	--	--

102:11 105:10,21 106:4,7,9 remembers 32:13 remind 5:20 Renee 7:1,2 repaired 52:10 repairs 52:9 repeat 4:20 8:17 9:23 65:1 66:6 report 94:16 reported 27:2 reporter 4:22 Reporter/ notary 4:3 represents 4:14 reside 8:11 residence 6:20 response 81:1 101:3 restitution 33:8 return 16:2,4, 6,11,13,15 27:6,12 28:8 returns 15:24 revoked 30:1,5 31:9 100:18, 24 Rhino 50:22 51:8,10,12 Richie 45:18, 19,21 46:8,11	47:22 Richie's 46:1 ridden 85:1 ride 42:21 43:3,11,12,14, 16 49:7 50:8, 11,13,16,23 51:4 87:8,9 rider 43:9 rides 50:5 riding 42:23 43:7,20 44:6 55:9,12 56:13 57:23 72:17 road 10:23 64:22 65:3 74:24 75:12, 17,18 76:18 80:14 81:22 83:18 86:12, 14,15,17,22 88:15 99:14 roads 57:5,19 58:4 86:21 87:4,9 rocket 44:4 rockets 44:6 rocks 56:11 rode 42:17 85:3 roll 98:3,4,9, 20,21 99:20 Ronnie 71:11, 14,16,21 73:10 75:3,20, 23 76:4 room 30:2 32:1 77:2	Ruffner 9:11, 12 Ruggier 4:6,13 28:17 32:10, 13 41:10,15, 18,22 42:4 66:23 67:4 68:12,14 70:15,22 97:1, 11 107:15,24 108:11,16,19 109:2,9,21,24 110:13,16,22 111:5,10,17, 19,24 112:9 run 48:5,18 59:24 65:8,12, 16,20 running 26:19 66:2,10 <hr/> S <hr/> S-H-O-N-A-T- H-A-N 22:4 S-TURN 89:10, 12 scared 84:10 scene 95:2 scheduling 110:4 school 24:6,8 25:3 screaming 98:24 seat 54:10,12, 13,15,18,23, 24 55:1	seated 56:5 secondary 29:4 Security 7:21 100:17,22 self-taught 43:4 sell 39:10 selling 74:4 Senokot 64:16 senses 63:7,9 sentence 32:7 sentenced 32:4 service 15:14, 16,17 68:16 Services 11:9, 10 13:9 14:6, 16,23 16:24 17:2,19 set 93:5 111:8 setting 81:6 seventeen 22:12 Shadow 73:20, 22 74:12 Shadows 74:14 shaking 16:8 53:15 71:5 Sharon 9:7,9 10:15 sheriff 48:5 shift 83:7,12 shifted 83:22	shit 98:3 Shon- 22:3 Shonathan 21:22,24 22:1, 11 23:22 short 41:8 show 32:7 46:13 sic 4:17 19:7 sick 13:5 side 56:11 80:14 81:22 96:13,14 signal 79:15, 21,24 80:4 signaled 81:12 signaling 81:16 86:11 siren 60:12 76:24 77:8 79:7 90:8,14 91:6 100:10 sirens 81:19 92:9 Sissonville 24:3,4 sister's 45:16 sisters 21:17 22:14 sitting 28:11 41:6 Sixteen 22:12 size 54:8,9 sl- 82:17 88:22 slept 68:1
---	---	---	---	--

slid 98:14	speed 80:11 82:18,20 87:20,22,23 88:2,14,18	steering 53:24	stuck 110:1	talk 25:24 26:14 42:5 45:7 70:18 108:22
slide 96:18,20 99:13	spell 7:2 8:21 20:9 22:3 93:11	steps 5:4	stuff 7:17 26:9 107:16	talked 23:21
slides 86:18	spent 71:3,4	stimulation 64:3	stunt 50:23	talking 12:5 29:19 88:5,20
slow 80:9,10 82:9,16,23 85:7 89:4	sphincter 64:9	stint 12:17	suggest 48:24	tank 50:20 51:15
slowed 80:12, 13 81:8	spinal 64:8	stole 33:13	supposed 57:17,22 71:11,14 81:4	Tapping 79:22
slowly 55:24 83:8,23	spot 81:5	stolen 27:2,5, 10 28:8 29:17 30:13 31:24 48:4,13,17,19 49:1 60:17,22 66:19	suspended 29:11,14 32:7 65:13	tase 104:15
smoke 38:20 58:3 69:22	spots 83:20	stom- 99:22 102:20	suspended/ revoked 29:4 30:12 31:4	tasing 100:6 104:24
Smokin 51:21, 22,24	St 24:11	stomach 96:23 98:4,5 102:21	suspension 55:4	taught 42:21
smoking 24:15 38:1,2,3 58:12	stagnant 99:16,19	stop 27:8 34:20 60:5,13 79:17,23 80:1, 5,6,21 81:8 82:15,24 83:9, 24 84:9,17,21, 22 85:14,15, 22 86:7	suspicion 61:9 66:17	tax 15:24 16:2, 4,6,11,13,15
sober 37:19,22	stand 98:5,9, 21 99:21 101:18,24	stopped 34:18	sweating 96:24	taxes 16:12,21
Social 7:21 100:16,21	standing 101:17	straight 16:19 83:11 87:1,2 89:5,6,16,24 99:5	Swift 27:19	teach 42:14
sold 47:24	start 28:10 42:23 67:13	street 43:12, 14,16,21,22 46:9	switchback 76:22	telling 98:23 99:5 103:21
solid 64:10,11	started 34:12 43:20 98:22 100:6 101:19	stretch 83:11 89:5,6,17,24	sworn 4:3	tend 80:16 89:4
sound 70:11 97:15	state 4:7 36:11 57:1,5,19 58:5 59:15 68:17 74:18	strike 96:2,6,9	<hr/> T <hr/>	tent 15:13,16, 17
sounds 98:15	statement 40:17	struck 95:16, 18	T-O-N-Y-A 20:10	testified 4:4
south 4:14 8:12 9:5,11,12 75:5	stay 69:10 103:9,22		table 16:17	testify 5:9 110:17
speak 20:17	stayed 67:22		tactic 66:22	testimony 36:17 77:17, 24 100:7 101:20
specific 56:3	steal 30:21		tags 30:16,23	thing 43:4 105:9
specifically 56:1	stealing 33:3		takes 10:8,11 81:23	things 4:18 51:6 59:4 63:10 109:14
specifics 12:3			taking 33:10 81:9 93:20	
speculate 28:13				

thinking 73:2, 4 87:21 100:12,13 thought 48:13 98:11 105:1,3 Three- 13:20 threw 47:24 throw 79:15,22 Thursday 108:18,21 109:7 tight 110:3,5 time 5:3 6:2,19 12:23 13:1,7, 19 14:3 16:12, 23 18:8,11,12, 15 19:6 20:19 34:10,14 35:15,17,18, 23 38:16,19 41:5,6,8 43:2 44:9,16 48:3 53:22 54:1,4 69:6,9 70:2 81:12,19 82:3 85:23 87:8,10 91:11 101:16 106:14 108:5, 8 110:3 times 30:4 75:23 84:6 tire 52:23 82:2, 6 84:9 86:18 95:14,16,18 96:2,7,10,13 99:9,10,11 tired 69:14,17 tires 52:18,19, 24 53:2,4,8	54:6 99:9 title 49:12,13 today 5:9 64:2 108:3 110:8 told 24:17,19 32:21 85:23 98:11,19 100:17 103:20 104:4 tomorrow 108:6,22 110:11 111:8, 15,19,22 Tonya 20:6,8,9 torch 94:21 95:5 torches 93:5, 7,13 tossed 32:24 touch-up 50:24 Trace 71:22,23 72:1,3,10 75:8,12 76:13, 14,17,19 87:1, 14 track 55:23 56:2 tracks 55:8,11, 15,19 56:8,11 86:19 95:13, 17,22 96:18, 20 98:15 99:2, 13,17 100:20 101:4 102:10 105:9,16 106:2 traded 46:16	training 42:11 transcript 4:24 transferring 30:12 tread 53:13 treated 33:20 tricks 50:24 51:1,6 trouble 50:13 truck 51:11 trunk 32:20 truth 5:21 truthfulness 5:8 turn 75:12 76:13,17,18, 22 85:18 89:8 turned 76:14, 18 100:9 Twelve 22:21 Twenty 23:3 twenty-five 23:15 Twenty-four 23:15 twenty-one 23:3 twenty-some 43:5,7 type 53:11,13 61:11 62:23 types 64:8	<hr/> U <hr/> Uh-huh 31:13 60:6 uncle 9:20 30:24 45:10, 11,13,14,15 understand 4:19,24 5:21 21:9 41:15 55:21 58:14 78:7 80:12 84:13 109:12, 13 110:11,13, 14,22 111:1, 10 unincorporate d 11:1 unlicensed 29:7 unregistered 62:14 untranslatable 70:11 97:15 98:15 uphill 83:14,16 85:15 user 35:14,19 37:2 usual 13:6	video 99:6 111:6 VIN 48:5,9,13, 15,18 49:2,3,4 Virginia 8:7 57:1,6,19 58:5 59:16 visor 106:23 107:1,2 <hr/> W <hr/> wage 14:2 wake 68:19 70:4 71:8,10 72:4 105:22 waking 67:14 Walmart 75:8, 11,19 wanted 46:12 73:6 102:16 103:8 104:19, 21,23 105:2,4, 11,14 watching 99:6 104:10 water 99:16,19 100:5 102:3, 12,16,18 103:9,11,15, 22 104:11,12, 17,22 105:5, 12,15 ways 56:4 weapon 32:15 Wednesday 108:8,10,11 weed 24:15
---	--	---	---	--

week 13:13,14, 19 14:3 39:1 109:1,7	Workers' 25:13	
weeks 35:8 41:12	working 14:5 49:8 71:13,20	
weight 6:3,5,7	works 76:5	
welding 93:10	worried 84:4	
well-being 84:5	wreck 37:19 54:20 77:13 84:5 88:21 96:1	
West 8:7 57:1, 5,19 58:5 59:16	wrecked 54:19 56:7	
wheelies 51:4	wrecking 63:2, 17	
white 97:14,17 98:13	wrestling 109:10	
wider 54:6	wrong 85:6 89:6	
William 4:1,9		
wipe 86:4		
wit 4:4	X	
woke 67:16 96:19 98:15, 19	XT250 47:8 52:3 60:20	
wondering 86:2	Y	
wore 69:11,12	Yamaha 47:7	
work 11:8 13:8,10 17:1 18:5 19:13 40:2 41:11 64:8,18,19,20 109:7 111:1	year 17:13 years 11:24 12:4,18 17:21 43:5,7 44:7 56:14	
worked 11:6 14:10,14 17:9, 22 18:9,17 19:7 33:2 111:18	your-all's 18:23 YT250 47:7	